

AL-11-880-S941

**Congress of the United States**  
Washington, DC 20515

April 14, 2011

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

The Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army  
for Civil Works  
108 Army Pentagon  
Room 3E446  
Washington, DC 20310-0108

Dear Administrator Jackson and Assistant Secretary Darcy:

In December 2010, the Environmental Protection Agency and Corps of Engineers (collectively, the "Agencies") sent draft "Clean Water Protection Guidance" to the Office of Management and Budget for regulatory review. The intent of the document is to describe how the Agencies will identify waters subject to jurisdiction under the Federal Water Pollution Control Act of 1972 (more commonly known as the "Clean Water Act") and implement the U.S. Supreme Court's decisions in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* and *United States v. Rapanos (Rapanos)* concerning the extent of waters covered by the Act. Further, this document would supersede guidance that the Agencies previously issued in 2003 and 2008 on determining the scope of "waters of the United States" subject to Clean Water Act programs.

In our view, this "Guidance" goes beyond clarifying the scope of "waters of the United States" subject to Clean Water Act programs. Rather, it is aimed, as even the Agencies acknowledge, at "increas[ing] significantly" the scope of the Clean Water Act's jurisdiction over more waters and more provisions of the Clean Water Act as compared to practices under the currently applicable 2003 and 2008 guidance. ("Guidance," at 1.)

It appears that the Agencies intend to expand the applicability of this "Guidance" beyond section 404 to all other Clean Water Act provisions that use the term "waters of the United States," including sections 402, 401, 311, and 303. Moreover, the Agencies intend to "alleviate the need to develop extensive administrative records for certain jurisdictional determinations" ("Guidance," at 1), thereby shifting the burden of proving the jurisdictional status of a "water" from the Agencies to the regulated community, and thus making the provisions of this "Guidance" binding on the regulated community.

In light of the substantive changes in policy that the Administration is considering with this "Guidance," we are extremely concerned that this "Guidance" amounts to a *de facto* rule instead of mere advisory guidelines. Additionally, we fear that this "Guidance" is an attempt to

short-circuit the process for changing agency policy and the scope of Clean Water Act jurisdiction without following the proper, transparent rulemaking process that is dictated by the Administrative Procedure Act.

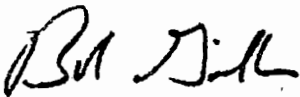
This "Guidance" would substantively change the Agencies' policy on waters subject to jurisdiction under the Clean Water Act; undermine the regulated community's rights and obligations under the Clean Water Act; and erode the Federal-State partnership that has long existed between the States and the Federal Government in implementing the Clean Water Act. By developing this "Guidance," the Agencies have ignored calls from state agencies and environmental groups, among others, to proceed through the normal rulemaking procedures, and have avoided consulting with the States, which are the Agencies' partners in implementing the Clean Water Act.

The Agencies cannot, through guidance, change the scope and meaning of the Clean Water Act or the statute's implementing regulations. If the Administration seeks statutory changes to the Clean Water Act, a proposal must be submitted to Congress for legislative action. If the Administration seeks to make regulatory changes, a notice and comment rulemaking is required.

We are very concerned by the action contemplated by the Agencies, and we strongly urge you to reconsider the proposed "Guidance."

Thank you for your attention to this matter.

Sincerely,



Bob Gibbs  
Member of Congress



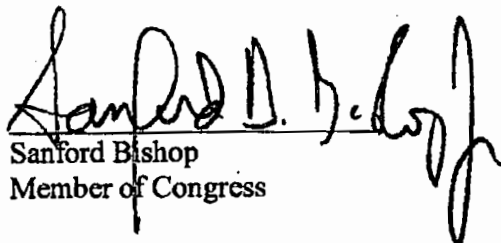
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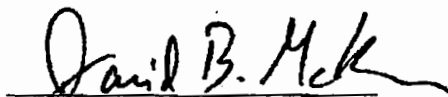
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Member of Congress



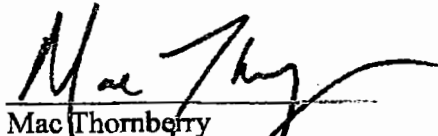
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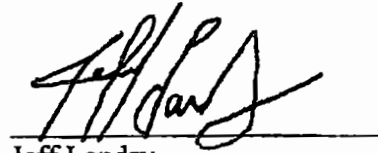
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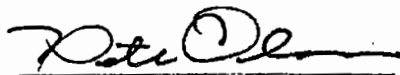
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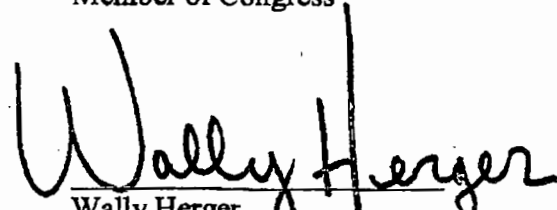
  
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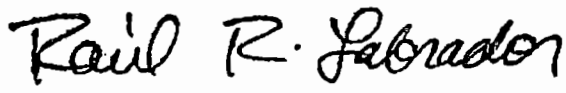
  
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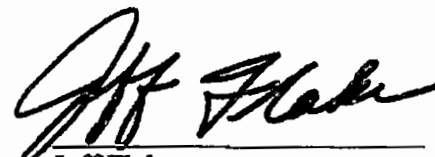
  
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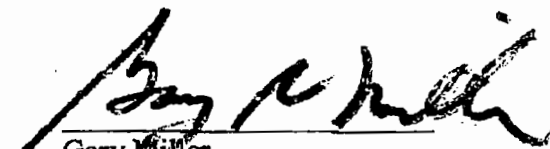
  
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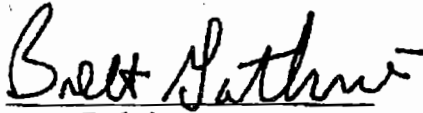
  
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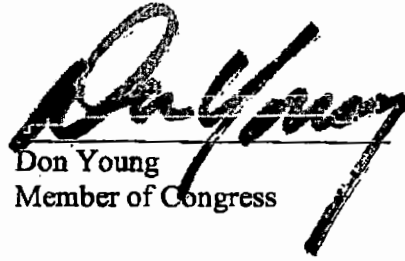
  
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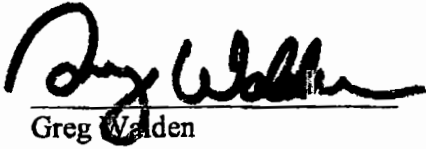
  
 Gary Miller  
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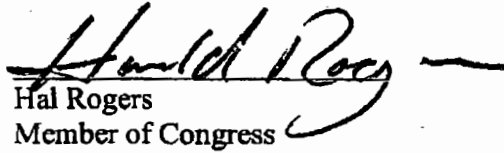
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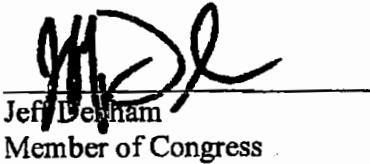
Don Young  
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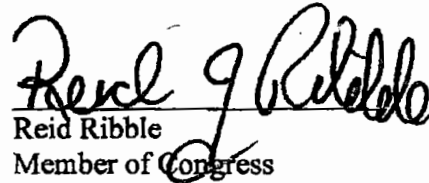
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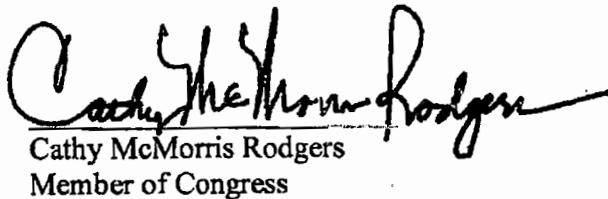
Hal Rogers  
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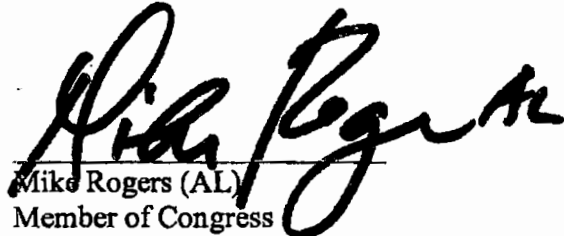
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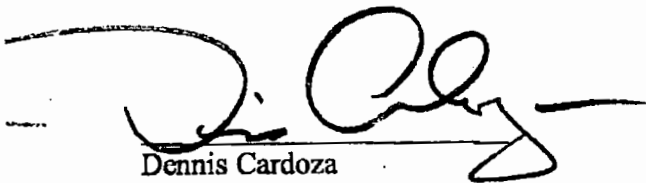
Reid Ribble  
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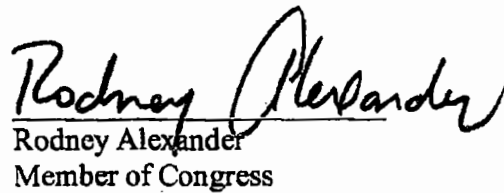
Cathy McMorris Rodgers  
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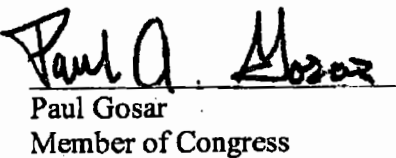
Mike Rogers (AL)  
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Dennis Cardoza  
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Rodney Alexander  
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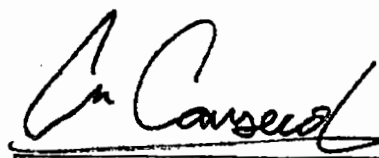



Paul Gosar  
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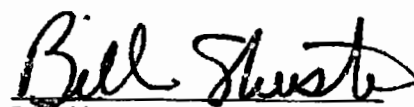


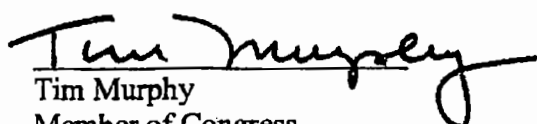
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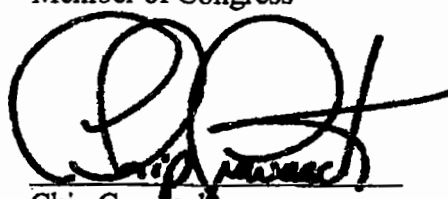
  
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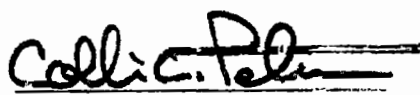
  
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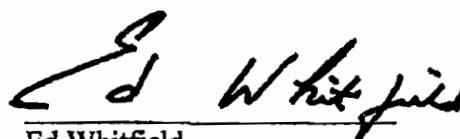
  
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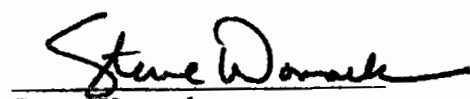
  
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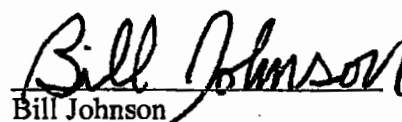
  
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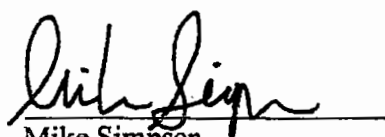
  
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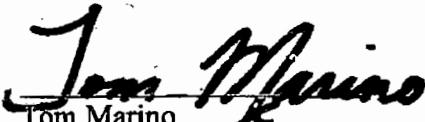
  
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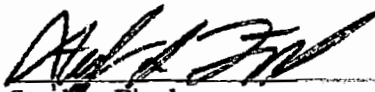
  
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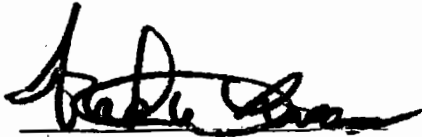
  
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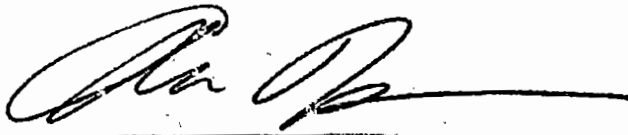
  
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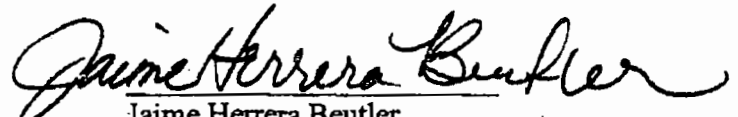
  
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Lynn Westmoreland  
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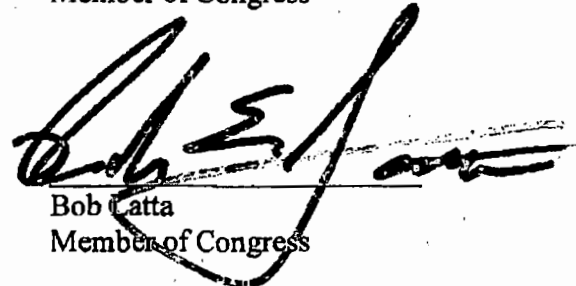
  
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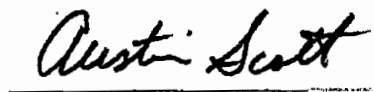
  
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Adam Kinzinger  
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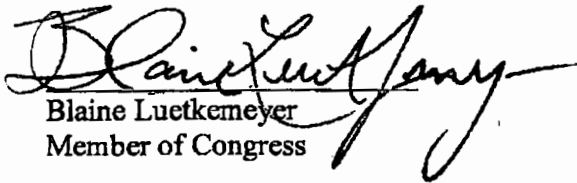
  
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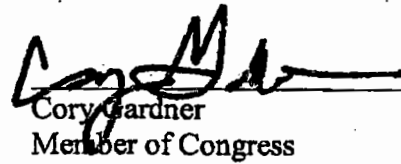
  
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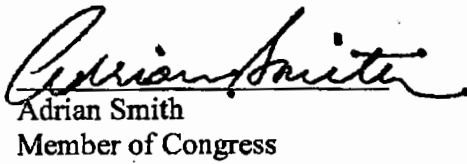
  
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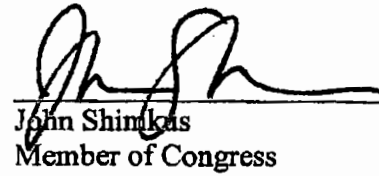
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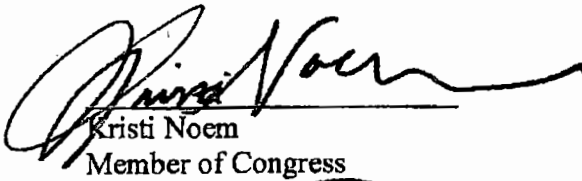
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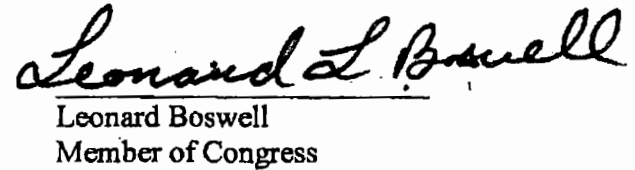
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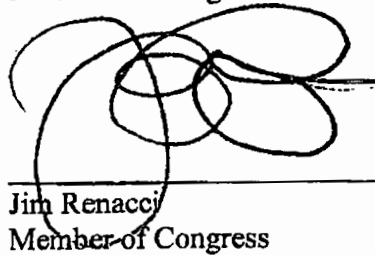
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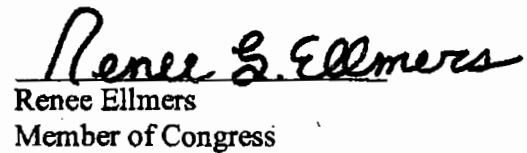
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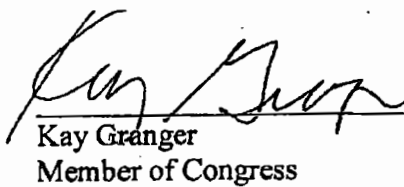
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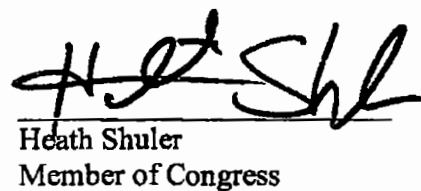
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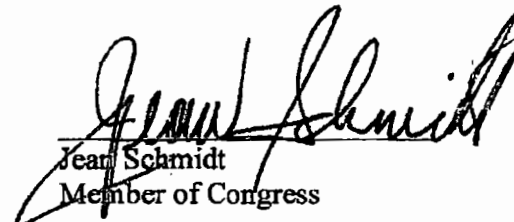
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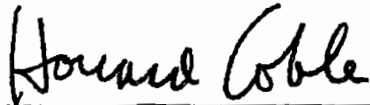
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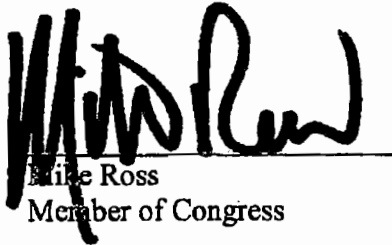
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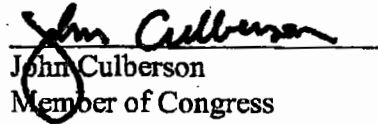
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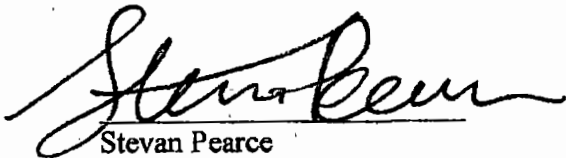
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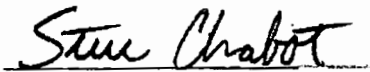
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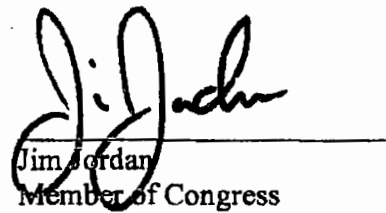
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Todd Rokita  
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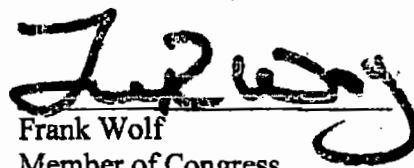
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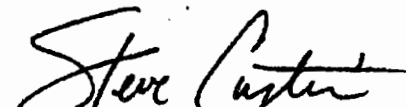
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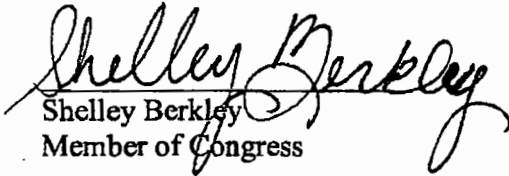


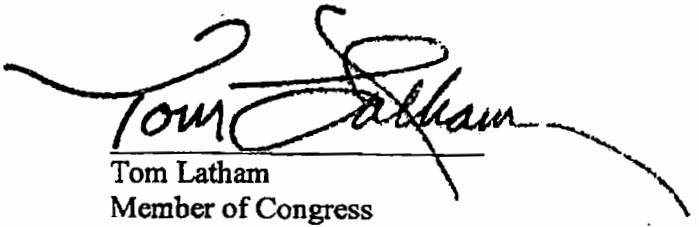
Geoff Davis  
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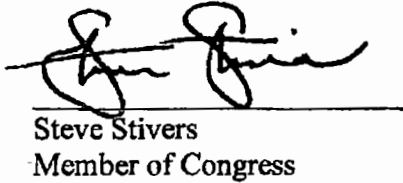


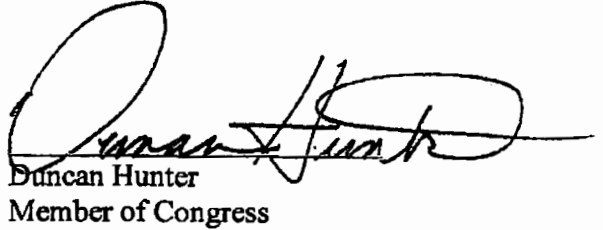
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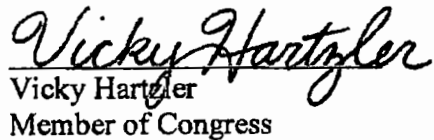


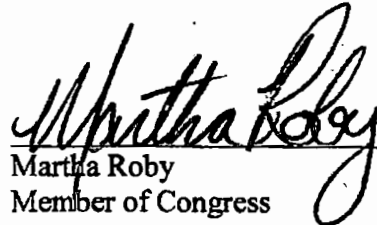
  
Shelley Berkley  
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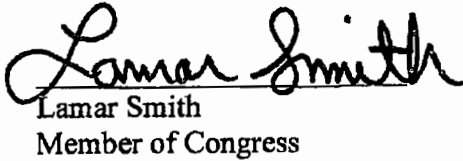
  
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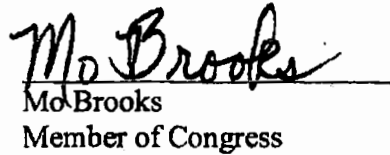
  
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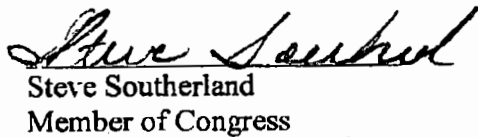
  
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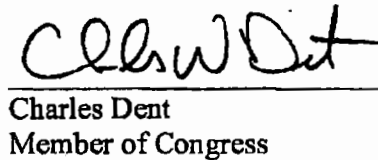
  
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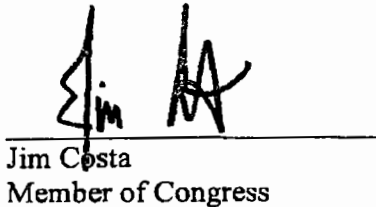
  
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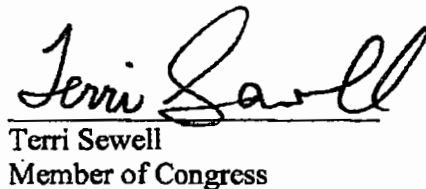
  
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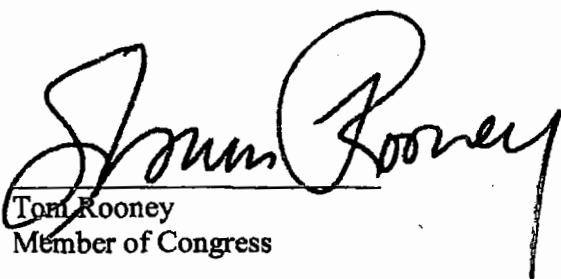
  
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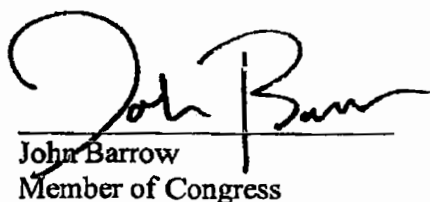
  
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Member of Congress

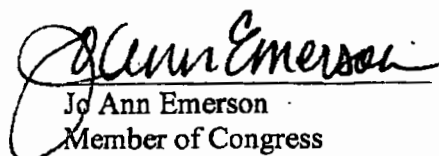
  
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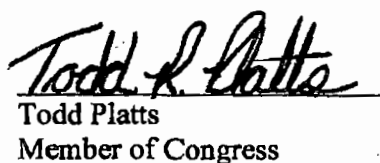
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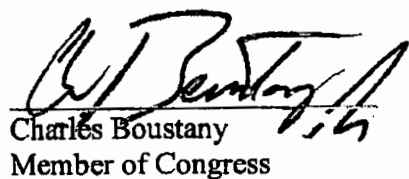
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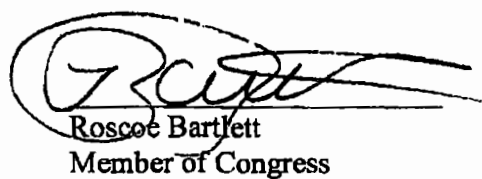
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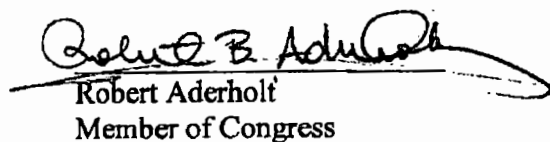
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Charles Boustany  
Member of Congress



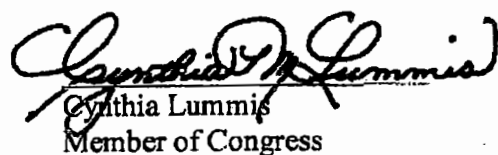
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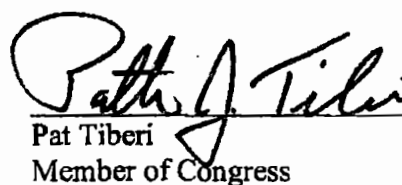
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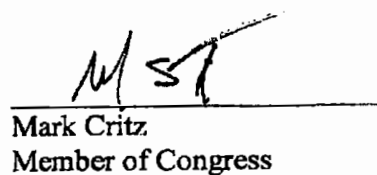
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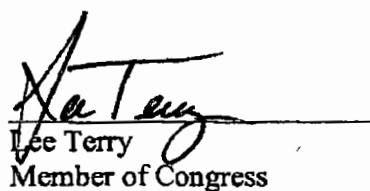
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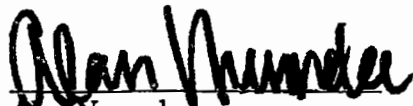
Pat Tiberi  
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Mark Critz  
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Lee Terry  
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Alan Nunnelee  
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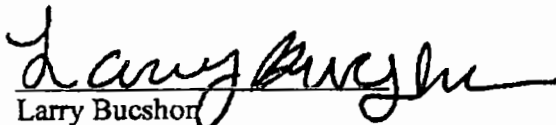
Tim Griffin  
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Randy Neugebauer  
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Dan Boren  
Member of Congress



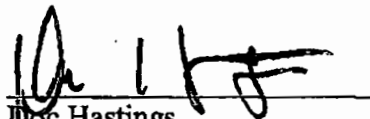
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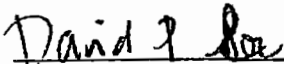
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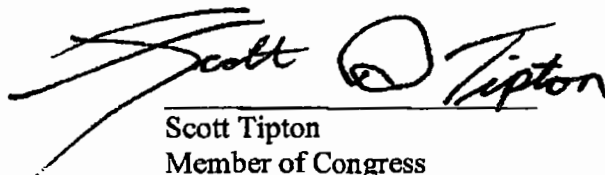
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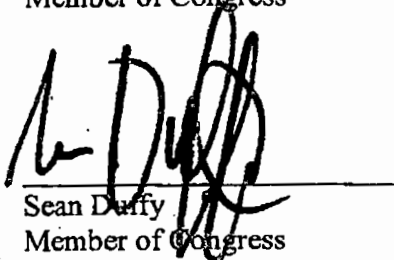
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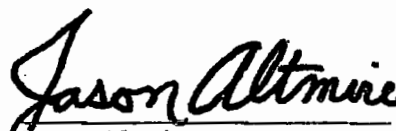
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Scott Tipton  
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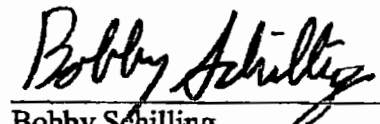


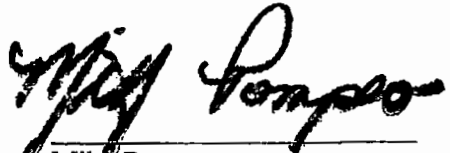
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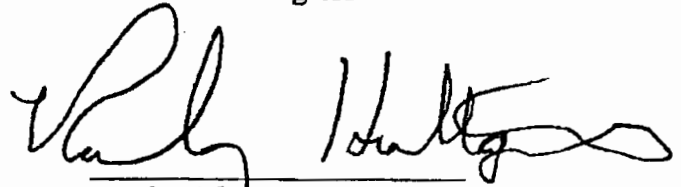



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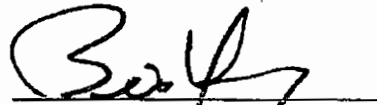
  
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 Mike Pompeo  
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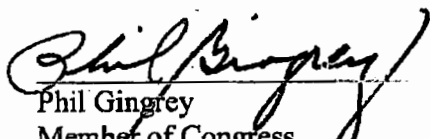
  
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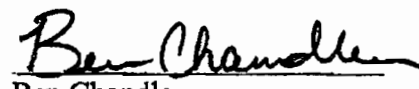
  
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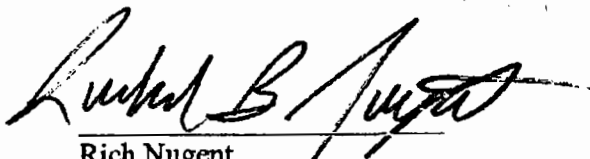
  
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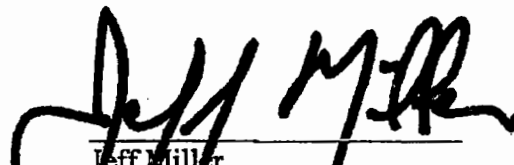
  
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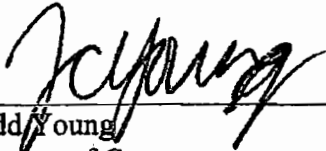
  
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David Rivera  
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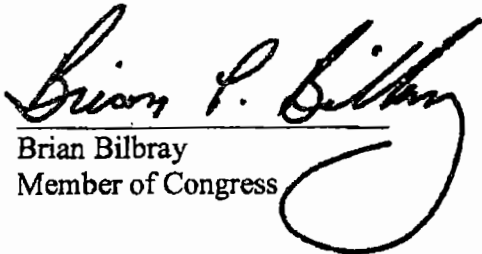
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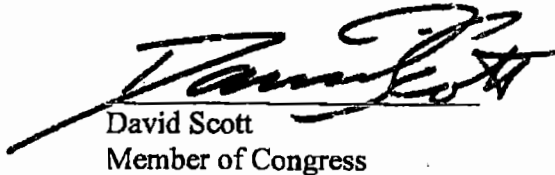
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David Schweikert  
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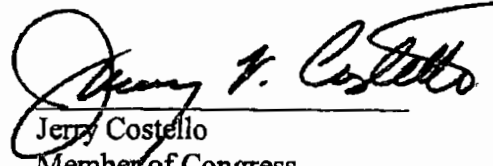
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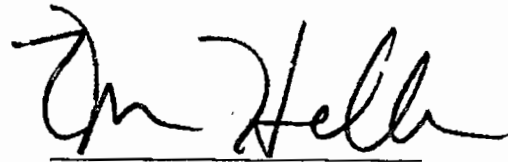
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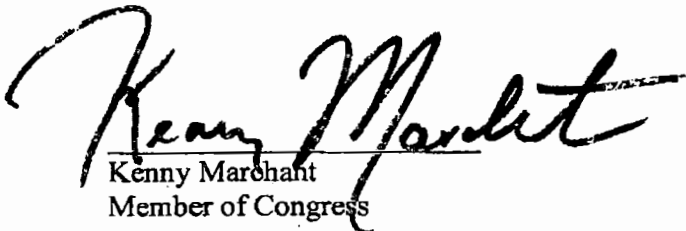
Jerry Costello  
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Marsha Blackburn  
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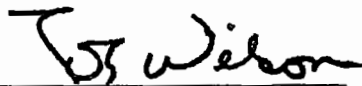
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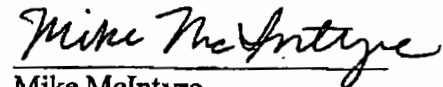


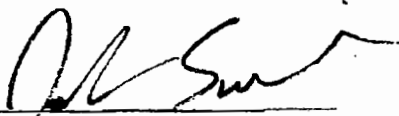
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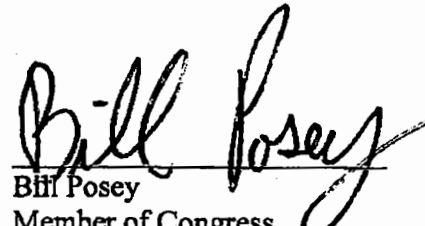


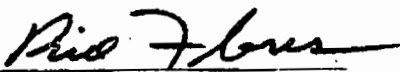
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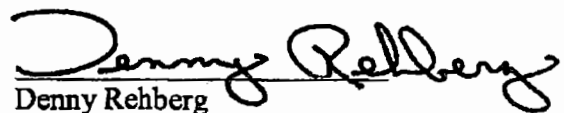
  
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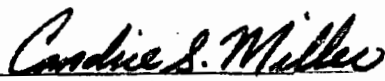
  
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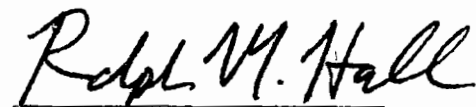
  
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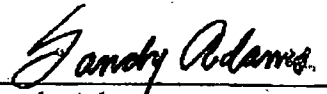
  
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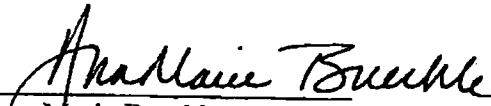
  
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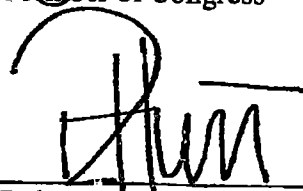
  
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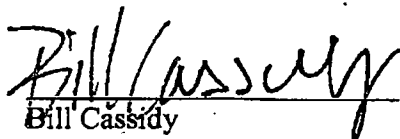
  
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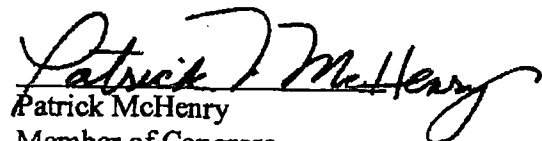
  
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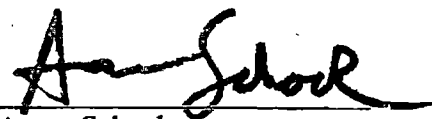
  
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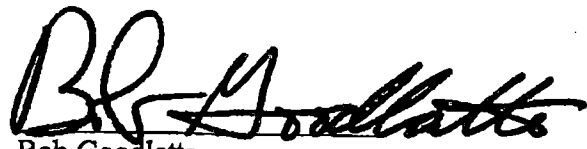
  
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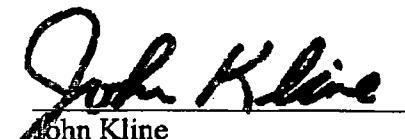
  
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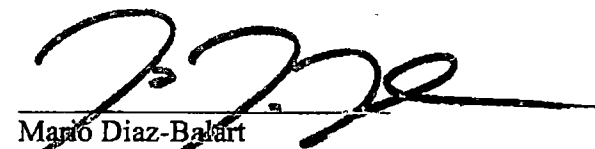
  
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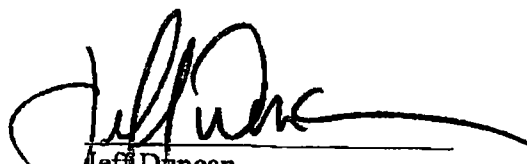
  
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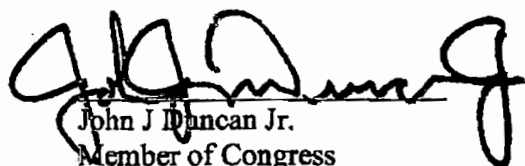
  
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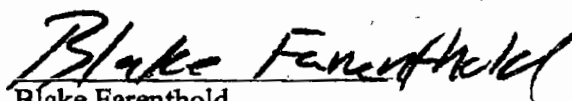
  
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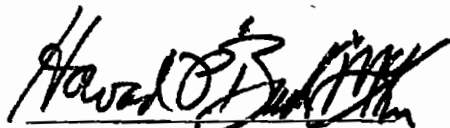
  
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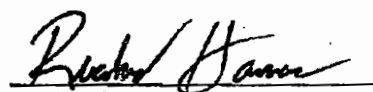
  
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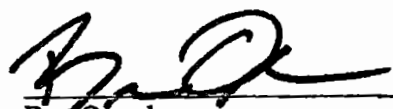
  
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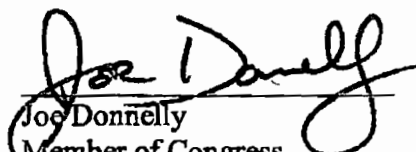
  
John J. Duncan Jr.  
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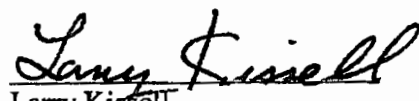
  
Blake Farenthold  
Member of Congress

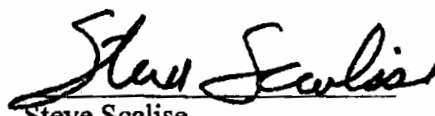
  
Buck McKeon  
Member of Congress

  
Richard Hanna  
Member of Congress

  
Ben Quayle  
Member of Congress

  
Joe Donnelly  
Member of Congress

  
Larry Kissell  
Member of Congress

  
Steve Scalise  
Member of Congress

CC:

Nancy Sutley, Chair, White House Council on Environmental Quality (CEQ)

Cass Sunstein, Administrator, Office of Information and Regulatory Affairs (OIRA), OMB





JUL 20 2011



The Honorable Don Young  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Young:

Thank you for your letter of April 14, 2011, to the U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson and the U.S. Department of the Army Assistant Secretary (Civil Works) JoEllen Darcy regarding draft guidance clarifying the definition of "waters of the United States." I understand your interest in the significant issues associated with the geographic scope of the Clean Water Act (CWA), which are so central to the agencies' mission of assuring effective protection for human health and water quality for all Americans. We appreciate the opportunity to respond to your letter.

Recognizing the importance of clean water and healthy watersheds to our economy, environment, and communities, on April 27, 2011, EPA and the U.S. Army Corps of Engineers (Corps) released draft guidance that would update existing policies on where the CWA applies. We want to emphasize that this guidance was issued in draft and is not in effect. The agencies published the draft guidance in the *Federal Register* on May 2, 2011, and are requesting public comment until July 31, 2011. The guidance will not be made final until the after the comment period has closed and any revisions are made after careful consideration of all public input.

It is also important to clarify that the draft guidance would not change existing requirements of the law nor substantially increase the geographic scope of waters subject to protection under the CWA. The extent of waters covered by the Act remains significantly less than the scope protected under the law prior to Supreme Court decisions in *SWANCC* and *Rapanos*, and the agencies' guidance cannot change that. We believe that guidance will be helpful in providing needed improvements in the consistency, predictability, and clarity of procedures for conducting jurisdictional determinations, without changing current regulatory or statutory requirements, and consistent with the relevant decisions of the Supreme Court.

We share your interest in proceeding with an Administrative Procedure Act rulemaking as soon as possible to modify the agencies' regulatory definition of the term "waters of the United States" to reflect the Supreme Court decisions in *SWANCC* and *Rapanos*. Rulemaking assures an additional opportunity for the states, the public, and stakeholders to provide comments on the scope and meaning of this key regulatory term. EPA and the Corps hope to publish a Notice of Proposed Rulemaking on potential regulatory changes later this year.

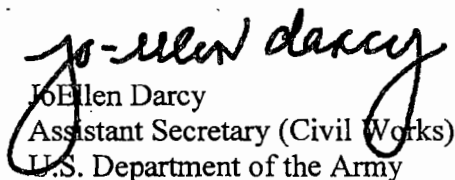
Clean water provides critical health, economic, and livability benefits to American communities. Since 1972, the CWA has kept billions of pounds of pollution out of American waters, and has doubled the number of waters that meet safety standards for swimming and fishing. Despite the dramatic progress in restoring the health of the Nation's waters, an estimated one-third of American waters still do not meet the swimmable and fishable goals of the Clean Water Act. Additionally, new pollution and development challenges threaten to erode our gains, and demand innovative and strong action in partnership with Federal agencies, states, and the public to ensure clean and healthy water for American families, businesses, and communities. EPA and the Corps look forward to working with the public, our federal and state partners, and Congress to protect public health and water quality, and promote the nation's energy and economic security.

We appreciate the opportunity to respond to your letter. We hope you will feel free to contact us if you have additional questions or concerns, or your staff may call Denis Borum in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-4836 or Chip Smith in the Office of the Assistant Secretary (Civil Works) at (703) 693-3655.

Sincerely,



Nancy K. Stoner  
Acting Assistant Administrator  
U.S. Environmental Protection Agency



JoEllen Darcy  
Assistant Secretary (Civil Works)  
U.S. Department of the Army

AL-12-000-7685

**Congress of the United States**  
**Washington, DC 20515**

April 30, 2012

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

We are writing to encourage you to use the best available, peer-reviewed science in the amendments proposed by the Environmental Protection Agency's (EPA) November 23, 2011, proposed rule entitled "National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production" (76 FR 72508.) This proposed rule would supplement existing regulations and require ferroalloys production facilities to install additional costly emissions control equipment. The President has directed federal agencies in Executive Order 13563 to base regulations on the best available science, and to employ the least burdensome tools for achieving regulatory ends.

Manganese ferroalloys are a critical ingredient of steelmaking and are important to national interests. A Department of Commerce investigation found that ferroalloy production is critical to national defense. Final promulgation of the NESHAP standards proposed last November could likely result in the closure of the last two manganese ferroalloy plants in the United States with no commensurate public health benefit. Plant closures will impact over 450 high wage manufacturing jobs, mostly among members of the United Steel Workers Union, with dramatic negative impacts on the struggling communities of Marietta, Ohio and Letart, West Virginia.

We have been informed that the scientific justification for the proposed rule is outdated and may not be supported by real world data, and that the standards may not be achievable in practice by real-world facilities. In establishing the proposed standards, EPA relies upon a science assessment issued in 1993, neglecting recent peer-reviewed scientific information. To achieve the proposed standards, EPA's proposal assumes that the affected facilities would install technologies that may not be appropriate or effective as applied to ferroalloys production facilities.

Given the importance of relying upon the best available science to protect the public health, jobs and the economy, we strongly urge the EPA to take the following steps before promulgating a final rule:

1. Ensure that any determinations or standards developed by EPA to address residual risk are based on the best available scientific and technical information.
2. Work with stakeholders, including the two remaining domestic manganese ferroalloy producers, to identify feasible technologies to achieve protections in a way that also protects jobs and the economy.

We encourage EPA to consider seeking an extension of the court-imposed deadline for issuing the final rule, in order to give adequate attention to our requests.

Sincerely,

Bill Johnson

Michael R. Jensen

Ogen Schulte

Walter B. Jones

E. Whitfield

Blam Lumsden

Scott Lumsden

Steve Lumsden

Paul A. Lumsden

Shelley Moore Capito

Mike Rohall

Jim Young

Jim Jach

Bob E. Jach

Robert J. Witten

Steve Farnik

MST

Doug Lamborn

Todd R. Roth MS-19  
Shawn Rooney FL 16  
Barbara MD 6  
Al W Dent PA-15  
John Emenon MO 8  
W. Goldstein NO-2  
Kent Bragg TX-8  
Bruce F. Jones TX-17  
Tim Walberg MI-07  
Sam R. L. OK-5  
Don Manzullo  
Judy Bezigade  
T. McCracken (MI-11)  
OB  
John  
CA. Dutch Ruppelinger  
Larry Bush

Chris Felt TW-3  
Harold MD-01  
Steve Christ OH-10  
Fleming L. D. 4  
H. J. P. II FL-02  
B. J. H. TX-11  
Bill S. FL-15  
Shawn P. S. S. S.  
John Luman SC-3  
Norma Ros. Lettman #118  
E. C. H. at -14  
Steve Christ OH-7  
Paul J. T. H.  
John Altman  
Amil B. M. T. e  
Bob Gills

Cc: Jacob Lew, Chief of Staff, The White House  
Nancy Ann DeParle, Deputy Chief of Staff for Policy, The White House  
Cass Sunstein, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 19 2012

OFFICE OF  
AIR AND RADIATION

The Honorable Todd Young  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Young:

Thank you for your letter of April 30, 2012, to the Administrator Lisa Jackson, co-signed by fifty-one of your colleagues, in which you expressed concerns regarding the potential economic impacts and validity of the technical data for the National Emissions Standards for Hazardous Air Pollutants for Ferroalloys Production. I have been asked by the Administrator to reply to your letter on her behalf.

The U.S. Environmental Protection Agency is committed to using the best available science to support its regulations and its residual risk analyses. With this in mind, we are continuing to carefully review and re-analyze the available data. We are also sensitive to the potential economic impact that this rule could have on the facilities located in Marietta, Ohio and Letart, West Virginia, and we are working with them and other stakeholders to find the best options available. We thank you for your comments and will take them into consideration as we craft the final rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written over a horizontal line.

Gina McCarthy  
Assistant Administrator

AL- 11-000-4972

Congress of the United States  
Washington, DC 20515

March 29, 2011

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Dear Administrator Jackson:

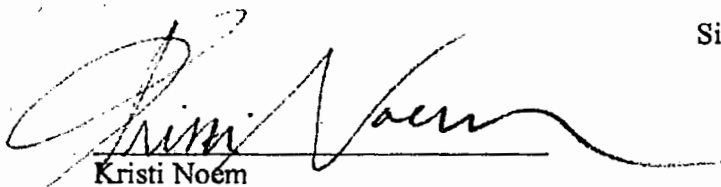
We write today to express our concerns about the U.S. Environmental Protection Agency's (EPA) potential revision to the National Ambient Air Quality Standards (NAAQS) for Coarse Particulate Matter (PM<sub>10</sub>), more commonly known as dust. Making the PM<sub>10</sub> standard more stringent would have a devastating impact on farmers, ranchers, and all of rural America. This could cost farmers and businesses millions of dollars in compliance costs, greatly slowing economic development in rural communities where job creation is desperately needed.

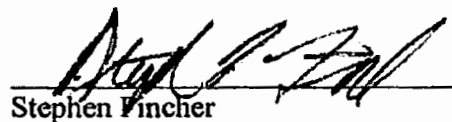
For many areas of the country, especially in rural America, dust occurs naturally and is a simple fact of life. There are many activities essential to farming such as plowing, planting, and harvesting which involve dust. Even driving down an unpaved road raises dust. These regulations could decrease the ability of the agriculture community in the United States to meet the world's food needs as well as decrease productivity, increase food prices, and incur job losses in rural America.

The potential revision of the NAAQS to a level of 65-85  $\mu\text{g}/\text{m}^3$  is below naturally occurring levels of dust in some states, making it impossible to meet. By EPA's own admission, the number of counties in nonattainment would more than double. Not surprisingly, these areas are primarily located in rural, dry parts of the country. At a time when the focus of the Administration should be on economic development and job creation, the EPA is instead promulgating rules which may have the opposite effect. If implemented, the proposed standards could subject farmers, livestock producers, and industry to burdensome regulations which could result in fines amounting to \$37,500 a day for violations. Even EPA's 2<sup>nd</sup> Draft Policy Assessment acknowledges that uncertainties in scientific studies would allow the EPA to retain the current standard.

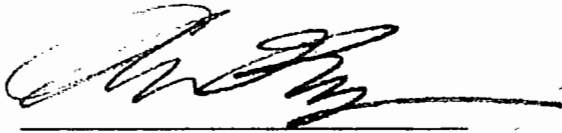
There are no better stewards of the land than America's agriculture community. Given the difficulty and expensive process of mitigating dust in most settings, the revised standards could have a devastating impact on rural economies and greatly reduce our nation's food security. If, as the agency has determined, rural fugitive dust has been found to be of less public health concern than dust in urban areas, there is no reason to adopt the revised standard. We strongly encourage the EPA not to implement the more stringent proposed standards.

Sincerely,

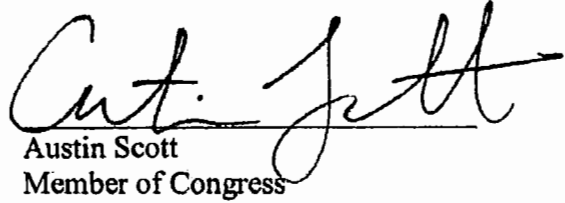
  
Kristi Noem  
Member of Congress

  
Stephen Fincher  
Member of Congress

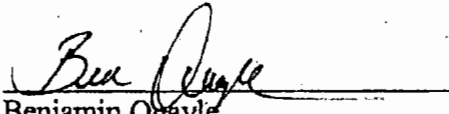




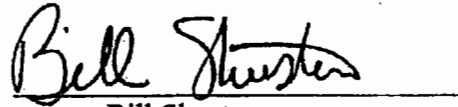
Adam Kinzinger  
Member of Congress



Austin Scott  
Member of Congress



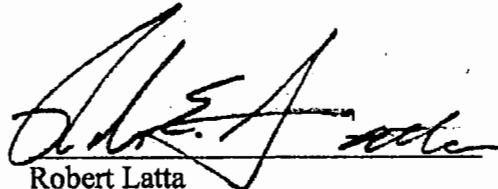
Benjamin Quayle  
Member of Congress



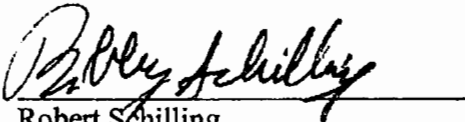
Bill Shuster  
Member of Congress



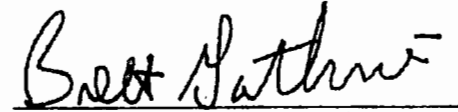
Bob Goodlatte  
Member of Congress



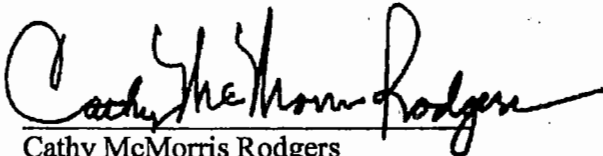
Robert Latta  
Member of Congress



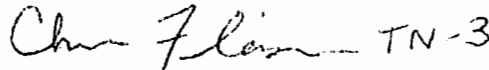
Robert Schilling  
Member of Congress



Brett Guthrie  
Member of Congress



Cathy McMorris Rodgers  
Member of Congress

 TN-3

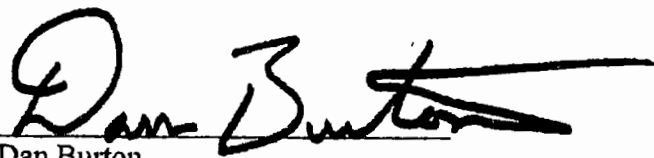
Charles "Chuck" Fleischmann  
Member of Congress



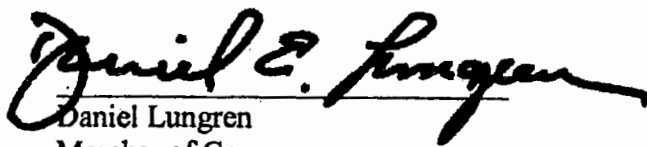
Cory Gardner  
Member of Congress



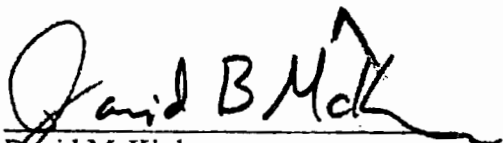
Dan Benishek  
Member of Congress



Dan Burton  
Member of Congress



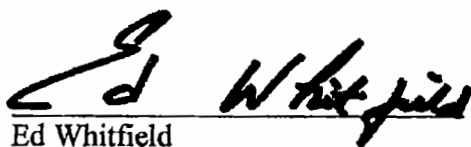
Daniel Lungren  
Member of Congress



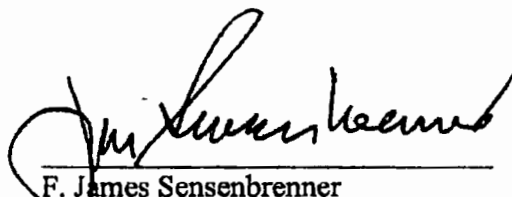
David McKinley  
Member of Congress



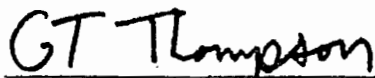
Diane Black  
Member of Congress



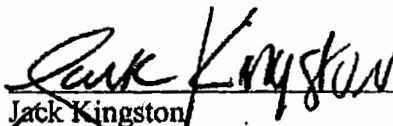
Ed Whitfield  
Member of Congress



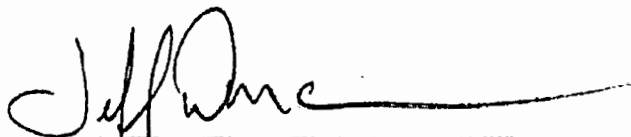
F. James Sensenbrenner  
Member of Congress



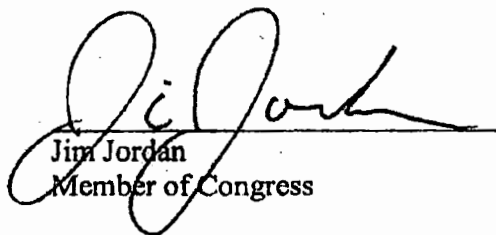
Glenn 'GT' Thompson  
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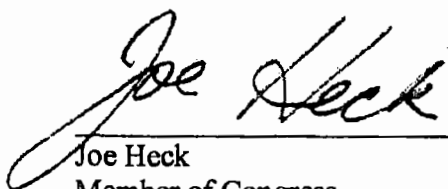
Jack Kingston  
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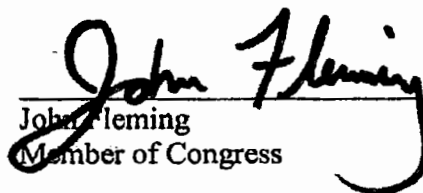
Jeff Duncan  
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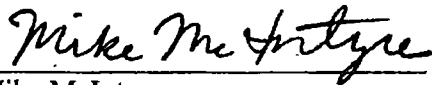
Jim Jordan  
Member of Congress



Joe Heck  
Member of Congress



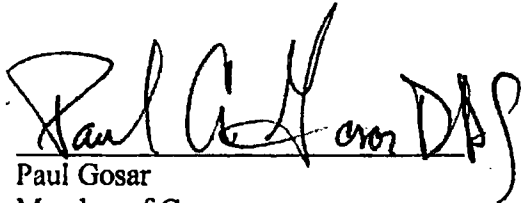
John Fleming  
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Mike McIntyre  
Member of Congress



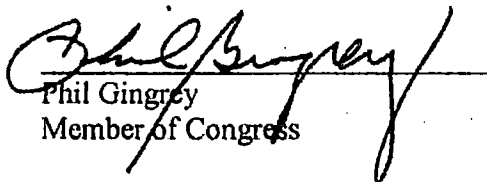
Mick Mulvaney  
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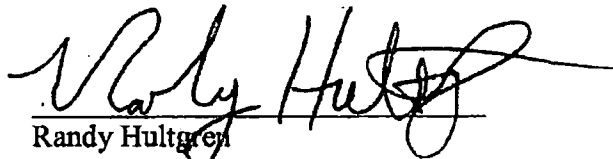
Paul Gosar  
Member of Congress



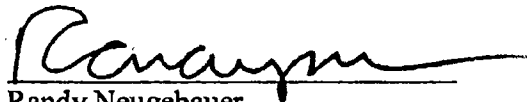
Pete Olson  
Member of Congress



Phil Gingrey  
Member of Congress



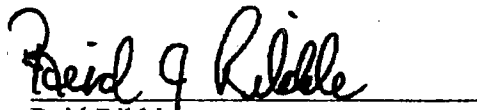
Randy Hultgren  
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Randy Neugebauer  
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Chip Cravaack  
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Reid Ribble  
Member of Congress



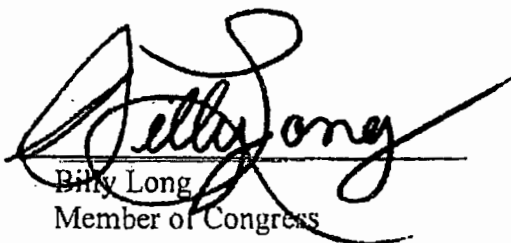
Rick Crawford  
Member of Congress



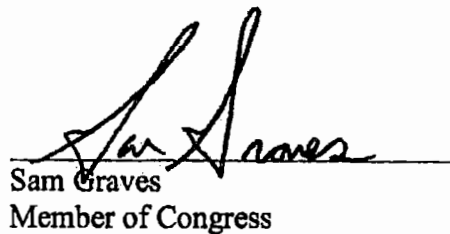
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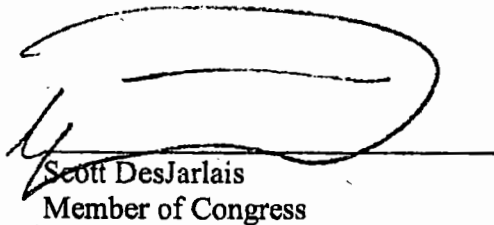
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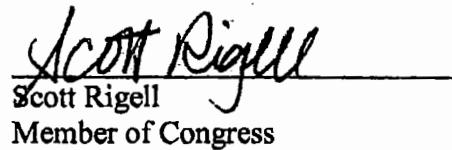
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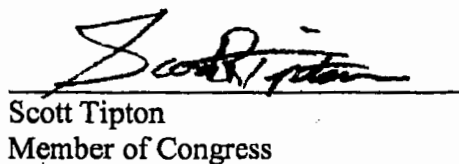
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Member of Congress



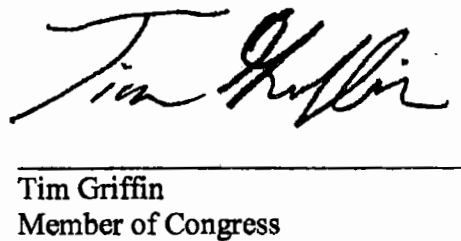
Scott DesJarlais  
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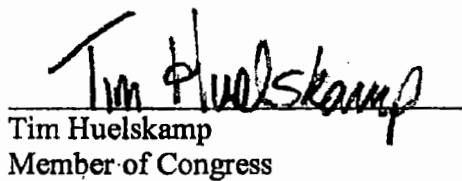
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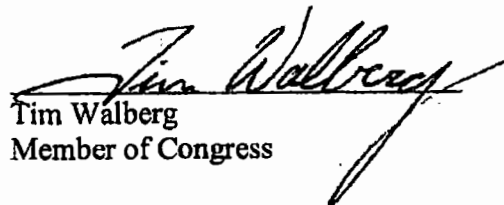
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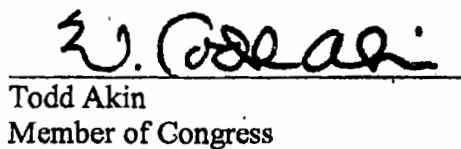
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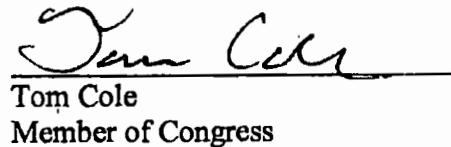
Tim Huelskamp  
Member of Congress



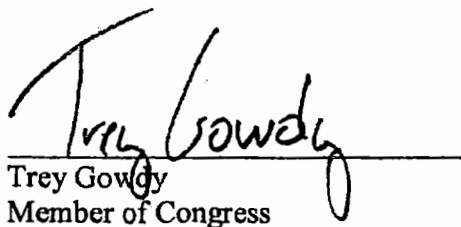
Tim Walberg  
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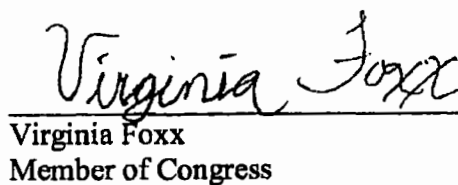
Todd Akin  
Member of Congress



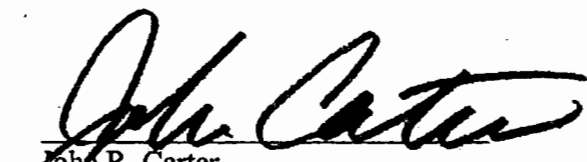
Tom Cole  
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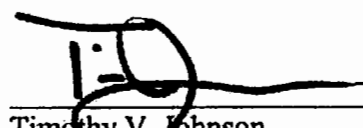


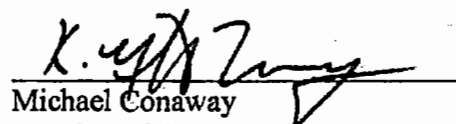
Trey Gowdy  
Member of Congress

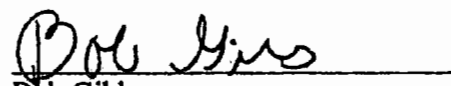



Virginia Foxx  
Member of Congress


  
John R. Carter  
Member of Congress


  
Timothy V. Johnson  
Member of Congress


  
Michael Conaway  
Member of Congress

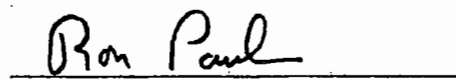
  
Bob Gibbs  
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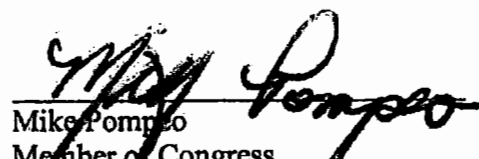
  
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Member of Congress

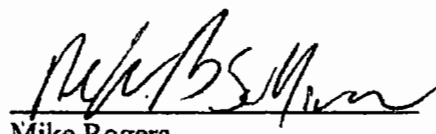
  
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Jeffrey Landry  
Member of Congress

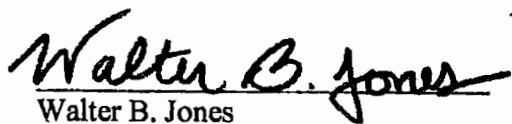
  
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Member of Congress

  
Dr. Ron Paul  
Member of Congress

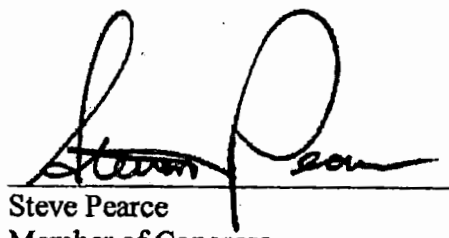
  
Mike Pompeo  
Member of Congress

  
Mike Rogers  
Member of Congress

  
Candice Miller  
Member of Congress



Walter B. Jones  
Member of Congress



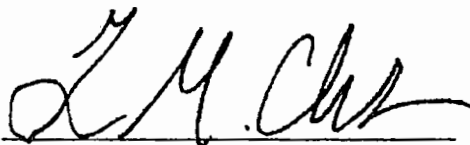
Steve Pearce  
Member of Congress



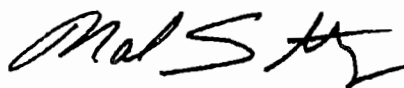
Chris Gibson  
Member of Congress



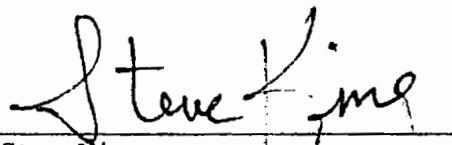
Rick Berg  
Member of Congress



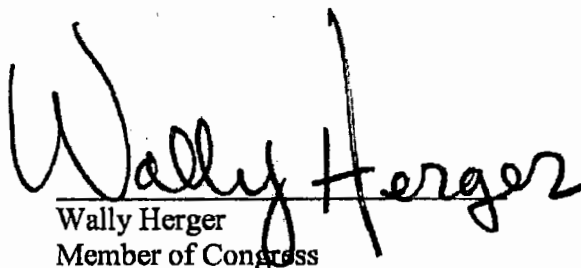
Tom McClintock  
Member of Congress



Marlin Stutzman  
Member of Congress



Steve King  
Member of Congress



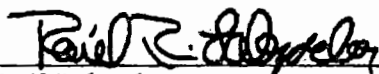
Wally Herger  
Member of Congress



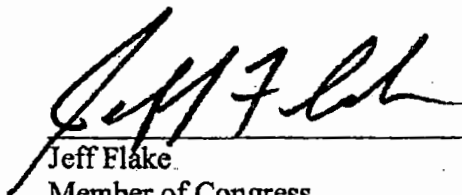
Blake Farenthold  
Member of Congress



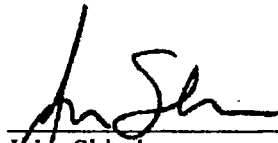
Alan Nunnelee  
Member of Congress

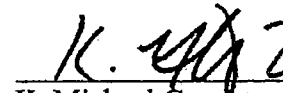


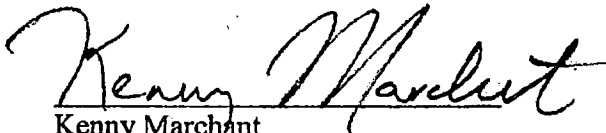
Raúl Labrador  
Member of Congress




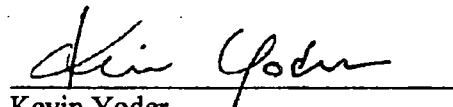
Jeff Flake  
Member of Congress

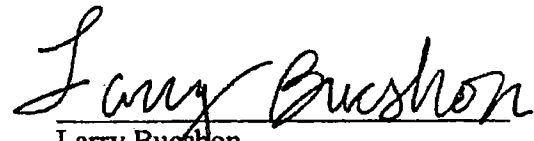
  
John Shimkus  
Member of Congress

  
K. Michael Conaway  
Member of Congress


  
Kenny Marchant  
Member of Congress


  
Kevin Brady  
Member of Congress

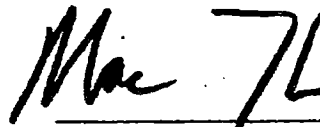
  
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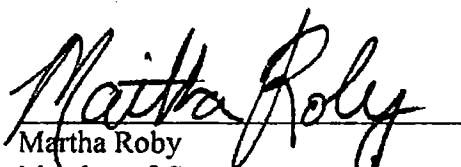
  
Larry Buoshon  
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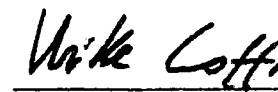
  
Larry Kissel  
Member of Congress

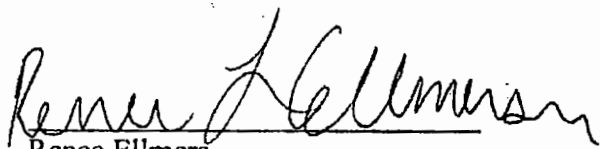
  
Louie Gohmert  
Member of Congress

  
Lynn Jenkins  
Member of Congress

  
Mac Thornberry  
Member of Congress

  
Martha Roby  
Member of Congress

  
Mike Coffman  
Member of Congress



Renee Ellmers  
Member of Congress



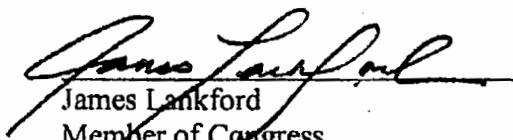
Steve Scalise  
Member of Congress



Francisco "Quico" Canseco  
Member of Congress



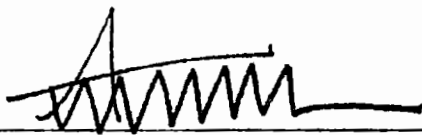
Spencer Bachus  
Member of Congress



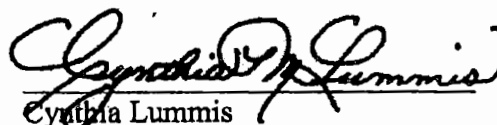
James Lankford  
Member of Congress



Todd Young  
Member of Congress



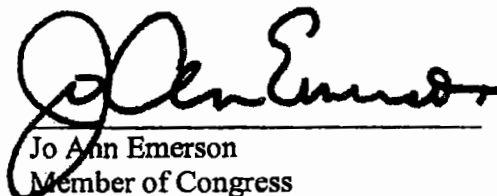
Ted Poe  
Member of Congress



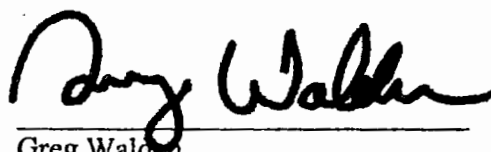
Cynthia Lummis  
Member of Congress



Robert Aderholt  
Member of Congress



Jo Ann Emerson  
Member of Congress



Greg Walden  
Member of Congress



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*David P. Roe*

David P. Roe  
Member of Congress

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*Vicky Hartzler*

Vicky Hartzler  
Member of Congress

---

*[Signature]* NY 29

Tom Reed  
Member of Congress

---

*Steven M. Palazzo*

Steven M. Palazzo  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 10 2011

OFFICE OF  
AIR AND RADIATION

The Honorable Todd Young  
U.S. House of Representatives  
Washington D.C. 20515

Dear Congressman Young:

Thank you for your letter of March 29, 2011, co-signed by 100 of your colleagues, expressing your concerns over the ongoing review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Administrator asked that I respond to your letter.

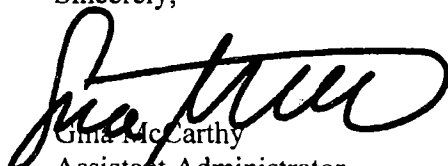
I appreciate the importance of NAAQS decisions to state and local governments, in particular to areas with agricultural communities, and I respect your perspectives and opinions. I also recognize the work that states have undertaken to improve air quality across the country. The NAAQS are set to protect public health from outdoor air pollution, and are not focused on any specific category of sources or any particular activity (including activities related to agriculture or rural roads). The NAAQS are based on consideration of the scientific evidence and technical information regarding health and welfare effects of the pollutants for which they are set.

No final decisions have been made on revising the PM NAAQS. In fact, we have not yet released a formal proposal. Currently, we continue to develop options, including the option of retaining the current 24-hour coarse PM standard. To facilitate a better understanding of the potential impacts of PM NAAQS standards on agricultural and rural communities, the U.S. Environmental Protection Agency recently held six roundtable discussions around the country. This is all part of the open and transparent rulemaking process that provides Americans with many opportunities to offer their comments and thoughts. Your comments will be fully considered as we proceed with our deliberations.

Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the scientific evidence as it pertains to health and environmental effects. Thus, the agency is prohibited from considering costs in setting the NAAQS. But cost can be – and is – considered in developing the control strategies to meet the standards (i.e., during the implementation phase). Furthermore, I want to assure you that the EPA does appreciate the importance of the decisions on the PM NAAQS to agricultural communities. We remain committed to common sense approaches to improving air quality across the country without placing undue burden on agricultural and rural communities.

Again, the Administrator and I thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,



Gina McCarthy  
Assistant Administrator

AL-16-000-4576

**TODD YOUNG**  
INDIANA'S 9TH DISTRICT  
WASHINGTON, DC OFFICE  
1007 LONGWORTH HOB  
WASHINGTON, DC 20515  
PHONE: (202) 225-5315



Congress of the United States  
House of Representatives  
Washington, DC 20515

COMMITTEE ON  
WAYS AND MEANS  
SUBCOMMITTEES ON  
SELECT REVENUE MEASURES  
AND  
HUMAN RESOURCES

February 10, 2016

Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Dear Congressional Liaison:

I have recently been contacted concerning the claim of:

NAME: (b) (6)

RE: Essroc Cement, Permit Number 019-35535-00008

I want to express my interest on behalf of this constituent and ask to be kept advised of developments as they occur. Please review and extend every consideration to (b) (6) request. Also, please inform my Constituent Services Representative, Becky Lambert, of the status and of any action that was taken on his behalf. Ms. Lambert can be reached at my Jeffersonville district office.

The information you provide will be most helpful to my constituent. Thank you for your time and attention to this matter.

In Service,

Todd Young  
Member of Congress

TY/BL

Congressman Todd Young  
9<sup>th</sup> District, Indiana

Phone: (812) 288-3999  
Fax: (812) 288-3873

## Consent for Release of Personal Records by Executive Agencies

Please complete and return to the following address:  
Congressman Todd Young  
District Office  
279 Quartermaster Ct.  
Jeffersonville, IN 47130

\*Name of Government Agency EPA & IDEM

(b) (6)

\*Name of Claimant (First Name, M.I., Last Name)

\*Date of Birth

\*Mailing Address

(b) (6)

\*City, State, Zip

(b) (6)

\*Social Security Number

Claim # (if applicable)

\*Telephone Number

Alternate Telephone #

Email Address

Would you like to receive our e-newsletter? YES

How did you hear about us? ☐ friend/relative ☐ website ☐ mail ☒ other elected official  
☐ other

Have you contacted any other elected officials about this problem? If yes, who?

IN SENATOR JANE SMITH

IN REP RONDA RHODES

(over please)

Congressman Todd Young  
9<sup>th</sup> District, Indiana

Phone: (812) 288-3999  
Fax: (812) 288-3873

2

\*PLEASE EXPLAIN YOUR PROBLEM AND WHAT YOU WOULD LIKE FOR THIS  
OFFICE TO DO ON YOUR BEHALF (please print clearly):

ESSROC CEMENT CO. SELLERSBURG HAS REQUESTED  
IDEM PERMIT SPM019-35535-00008 FOR  
PERMISSION TO BURN HAZARDOUS WASTE. THE PERMIT  
WOULD ALLOW ESSROC TO BURN 11,300,000 GALLONS  
OF WASTE PER YEAR WHICH COULD POTENTIALLY PUT  
1,200 LBS OF LEAD & 224 LBS OF MERCURY INTO THE AIR  
NEAR THE PLANT WHICH INCLUDES 3 SCHOOLS. IN  
ADDITION ESSROC WILL BE BRINGING 30,000 GALLONS  
OF HAZARDOUS WASTE THROUGH OUR TOWN ON TANKER  
TRUCKS EACH DAY POTENTIALLY PAST SCHOOLS &  
NEIGHBORHOODS. SEE ATTACHED DOCUMENTS. WE NEED  
HELP TO ASSIST US TO KEEP THIS HW OUT OF OUR  
TOWN.

If you wish to authorize the release of information regarding your case to a relative or  
third party, please provide their names:

I have sought assistance from Congressman Todd Young on a matter that may require the release  
of information maintained by your agency, and which you may be prohibited from disseminating  
under the Privacy Act of 1974.

I hereby authorize you to release all relevant portions of my records or to discuss problems  
involved in this case with Congressman Todd Young or any authorized member of his staff until  
this matter is resolved. I also affirm that the above information is accurate.

\*Signature:

(b) (6)

Date:

2-9-2016

\*Required Information

3

Email from (b) (6)

-----Original Message-----

From (b) (6) >  
To: dmatouse <dmatouse@idem.IN.gov>  
Sent: Fri, Jan 15, 2016 11:36 PM  
Subject: Request IDEM public hearing

Dear Mr. Matousek : In regards to air permit SPM019-35535-00008 for Essroc Cement Corporation I have questions about Changes in the type of burning fuel for the kiln process. I am reading 11,300,400 gallons of product burned per year. I have to question if their money is being made for remediation of toxic chemicals from a waste fuel made up of paint thinners waste fuel and unspecified chemicals. On page 29 of 108 TO19-26989-00008 section B 18 a & b state permit revisions or notice shall not be required under any approved economic incentives, marketable part 70 permits or emissions trading. So if IDEM permits this I feel concern given our summer weather inversions. The Essroc plant has two elementary schools, and a junior high and high school bordering the company land separated by highway 31 and County rd 403. Mercury and Lead are mentioned on page 68 of 108 of this permit. Required to be tested, given supplier so what ...it depends on the permittee. I have lived in Speed since 2004. Essroc has not always been a good neighbor. Their environmental manager David Hitt never provides a good answer to complaints of fugitive dust emission, occasional ash and smell that affects breathing. Often time the heaviest releases of dust occur on weekends late in the evening. The last year emission of dust were very heavy and worse than previous years of living here.

Mr. Matousek I have been studying the permit is there a section that address odor? I did not notice if this was addressed in the permit? My mailing address is Caroline Johnson, 822 Michigan Avenue, Speed IN 47172 my phone number is 812-946-1775.

I would like to request a public hearing with the IDEM...for area residents. Sincerely

(b) (6)



4

Email from (b) (6) to Jack Coffman on Jan 23, 2016

Subject: Essroc Permit 019-35535-00008

I have talked to IDEM David Matousek and EPA Michael Langman 312-886-6867 an environmental scientist in Chicago. What I came away with is IDEM is passing permits that increase our air pollution and was shocked to note all permit changes that are listed on Technical Support Document for a part 70 Significant Permit Modification. This document was 108 pages near the bottom of the two inch stack. I wasn't aware of these changes. This explains the horrible increase in dust I the last 3 years. This permit sets us up to now add toxic waste of heavy metals lead, mercury and carcinogen beryllium to our water, soil and air. On page 63 of 108 (first 108 pages of permit draft) the amounts appear in section D 3.10 (a) beryllium 6.2 tons per 12 month period or 12,400 lbs

(b) lead .6050 tons per twelve month period or 1,210 lbs

(c) Mercury .1122 tons per 12 month period or 224.4 lbs

Page 4 of 59 under section Liquid Waste Facility section 8

Liquid waste fuel 11,300,400 gallons per year. It claims emissions will be controlled by a vapor balance system with carbon adsorption. Mr. Matousek told me plans are to burn 4300 gallons per hour. Concerned about what happens when you incinerate I looked into an EPA Document Hazardous Waste Combustion this breaks down and looks at cement kilns on page 121 Volatile metals are not controlled by fabric filters or electrostatic precipitators, air pollution control techniques involving adsorption or absorption(carbon technologies and wet scrubbers dependent on feed rates.) In Section 62.1 page 126 Mercury volatilizes to form gaseous Mercury that include elemental and divalent forms(oxidized form). Partitioning between elemental and divalent is critical because it directly affects ability to control Mercury in a APCD system. Elemental Mercury is not soluble in water and is not well controlled by wet scrubbers but may involve use of carbon injection. Mercury is not typically contained in clinker or cement kiln. July 2001 page 128 Lead does not burn. If you check out ATSDR website Agency for Toxic Substance and Disease Registry. There is no safe level for children for lead. In this site you can read about effects of lead, mercury, and Beryllium. Note lead adheres to soil sediments so will it adhere to our cement dust which Essroc does not contain now. I didn't see any information of what is done with pollutants captured by their system. It may be there but it's hard to find And understand with all the jargon and. Code numbers. So now we have a toxic by-product to dispose of to the tune of the poundage Above...hazardous to use, hazardous to breathe, hazardous to store plus the lead and mercury release will contaminate not just our air, now soil, and water and our health will be compromised by carcinogens released and heavy metals. Health is affected by micro measures even tiny releases are not insignificant because these toxics persist in the environment and do not disintegrate many bioaccumulate and are absorbed by soft tissue and bones.



5

On page 74 of 183 40 CFR 61, Subpart F Attachment E

Involves Beryllium screening Method 5.1 Disclaimer. This method may involve hazardous materials, operations and equipment. The test method may not address all of the safety problems associated with its use. It is the responsibility of the user of the test method to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to performing this test method. 5.2 Talks about Hydrochloric acid noting .13 to .2 can be lethal to humans in a few minutes. So testing methods also can release dangerous chemicals.

Why permit a incineration process that involves hazardous waste oil contaminated with heavy metals and paint resins? I suspect there is possibility a government program promoting Zero Waste programs which involve companies being paid or rewarded to claim "carbon credits" because they are not using fossil fuels. Perhaps IDEM gets funds for getting rid of that toxic waste. Mr. Coffman is the county receiving funds to pollute and poison its residents?

On page 30 of 108 section c Emission Trades 326IAC 2-7-20 (c) The Permittee may trade emissions increase and decrease at the source where the applicable SIP provides for such emission trades without requiring a permit revision. So is that a green light to burn twice or three times the amounts listed above?

On page 29 of 108 B.18 Permit Revision under Economic Incentives and Other Programs 326IAC2-7-5(8) 326IAC 2 -7 -12(b)(2)

(a) No Part 70 permit Part 70 permit revision or notice shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit

Jack, my observation is that permits Essroc has in place are not in compliance. The dust etches our paint and windows. Certain days I cannot do yard work with the caustic air that burns my lungs. The IDEM can print regulations and set safety standards and permit and it will never be enforceable or followed. Lung Cancer rates are higher in Clark County than neighboring counties. Cass County has similar rates it is the location of the Logansport Essroc Plant.

If you check out GAIA cement kilns. It is a Global Alliance for Incinerator Alternatives. They note Cement Kilns are neither properly designed for the purpose of burning hazardous waste nor are they held to the same regulatory standards as other incinerators. They have "Groundwork" which is a clearinghouse of information on environmental and public health impact.

Nov 2015 at a convention in Barietta Italy, European Gathering against Waste Incinerators in Cement Kilns a speaker Paul Connett professor at St Lawrence University in New York noted " Even if there were strong regulations, adequate monitoring and consistent enforcement, there would be no way to control nano particles of toxic metals that result from waste incinerated in cement kilns or any other combustion plant. Air pollution control devices do not effectively capture

6

nano particles which can travel long distances, remain suspended long periods of time and penetrate deep into the lungs. I am opposed to waste incineration in cement kilns where you are taking out of the hands of professionals and giving it to amateurs.

7

Email from (b) (6) to IDEM Jan 13

From: (b) (6)

To: dmatouse@idem.in.gov; cjsellersburg@aol.com

Subject: Permit SPM 019-35535-00008

Date: Wed, 13 Jan 2016 12:01:13 -0500

Mr. Matousek,

I am very concerned that ESSROC Cement is asking to change their permit which may add additional air pollution or risk of chemical release or explosion to our neighborhood which is just east of the ESSROC facility in Speed, IN. Looking over the 200 plus pages of documentation it is very unclear what the permit is asking for and the potential hazards it will bring.

I am requesting a public hearing to review this permit and get further explanation of the potential hazards. There are 3 schools and numerous homes within 1/2 mile of the ESSROC facility and I don't believe there should be any additional hazards or pollution added on top of what we already have from ESSROC.

This past year the air pollution/ dust from ESSROC has been significantly worse than the year before. Especially on weekends our vehicles are covered with dust within hours if we leave them outside. A number of times I have washed my car in the evening and the next morning had to wash it again. I called David Hitt at ESSROC and sent pictures of dust (see attached) on my vehicle taken September 26th, 2015 (this is from less than 8 hours exposure - it was washed and shiny the night before). He informed me ESSROC had added capacity earlier in the year (which we were unaware of and which equates to additional pollution) and that he would investigate but I have never gotten an explanation as to why the pollution was so much worse in 2015 than in 2014.

There are also times when we can't work in our yard because the air burns our throat and sinuses. This is accompanied by a burning smell when the wind is coming from the ESSROC plant.

The dust has etched the paint on the window sills of my house and the windshield on one of our cars.

I don't think we should have to live with this level of pollution and think ESSROC should get this under control before any other permits or variances can be considered.

My contact information is:

(b) (6)  
[Redacted]  
[Redacted]

8

(b) (6)

**Please advise me of any further actions that can be taken in this matter.**

**Sincerely,**

9

Email from (b) (6) to Jack Coffman on Jan 23, 2016

Subject: Essroc Permit 019-35535-00008

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110

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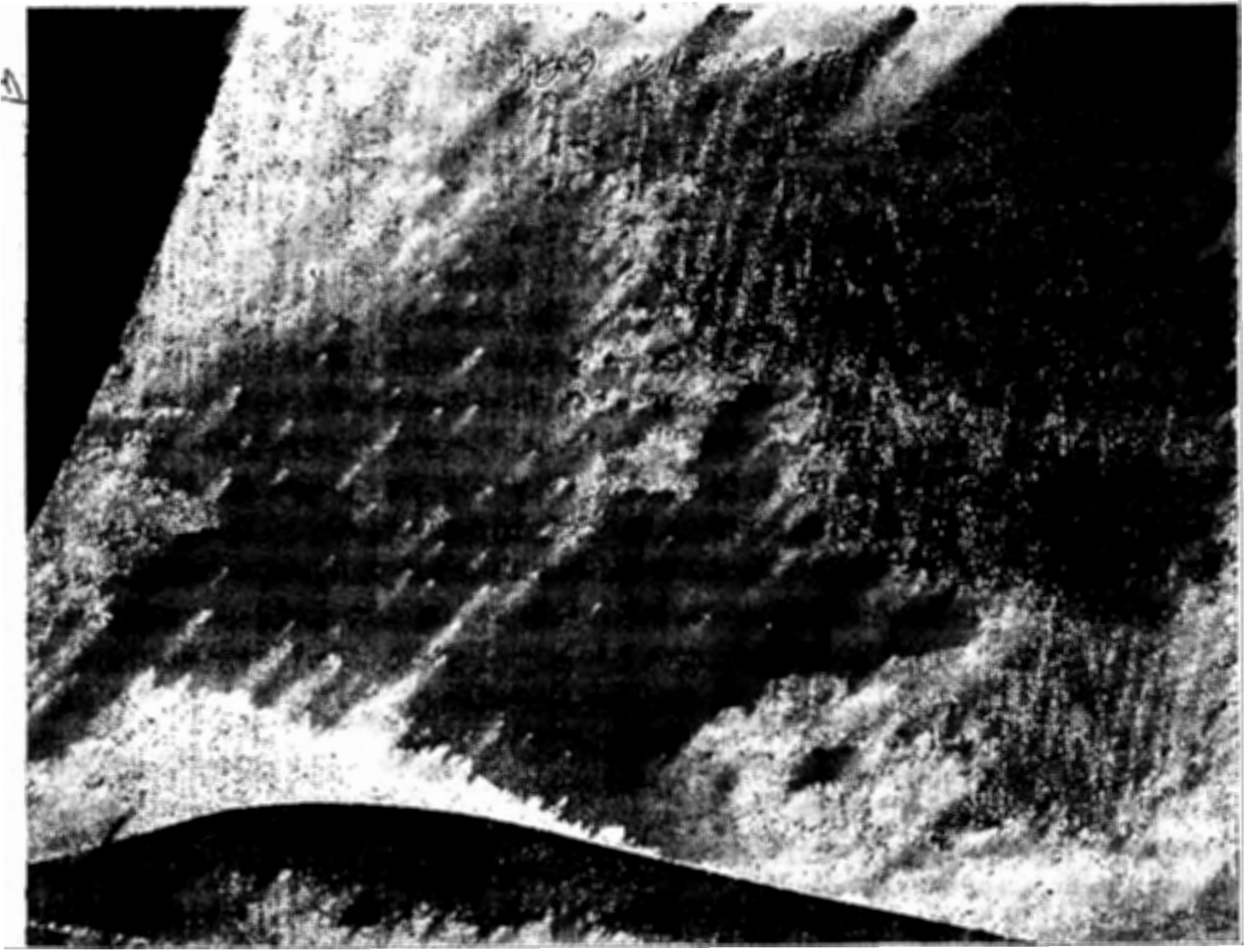
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11

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THE AIR WALKED ON IN OUR NEIGHBORHOOD  
CREDIBLE WHEN THE WIND IS OUT OF THE  
AND THE GOUT-ROCKS THAT THE AIR  
IT THROU IN WE CAN'T DO ANY BETTER  
FATHERS AS THE ONE OF MY CHILDREN  
TELL ME THAT ALL THE STORIES  
THE AIR WAS SHOCKED BY THE  
POURED MOUNTAIN RIVERS WHICH THE  
CHICKEN STATION.





AL-16-000-4576



United States Environmental Protection Agency  
Regional Administrator  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

MAR 11 2016

The Honorable Todd Young  
Member, U.S. House of Representatives  
279 Quartermaster Ct.  
Jeffersonville, Indiana 47130

Dear Congressman Young:

Thank you for your February 10, 2016 letter expressing interest on behalf of (b) (6) regarding a draft air quality permit modification for ESSROC Cement Corporation (ESSROC) in Speed, Indiana. The (b) (6) are concerned about the health impacts from approving ESSROC's permit modification.

The U.S. Environmental Protection Agency confirmed that the Indiana Department of Environmental Management (IDEM) received the (b) (6) comments and will – as required by law – respond to the comments prior to issuing a final permit. IDEM, which is the permitting authority for the ESSROC permit, held an informational public meeting on February 17, 2016 in response to (b) (6) request for a public hearing.

IDEM is also processing a separate Resource Conservation and Recovery Act (RCRA) Part B permit application for ESSROC. IDEM's review process includes a risk assessment evaluation for the burning of liquid waste derived fuel. The state is required to provide an opportunity for public comment on the draft RCRA permit.

Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, which appears to read "Robert A. Kaplan", is written over the typed name.

Robert A. Kaplan  
Acting Regional Administrator

**TODD YOUNG**  
INDIANA'S 9TH DISTRICT  
WASHINGTON, DC OFFICE  
1007 LONGWORTH HOB.  
WASHINGTON, DC 20515  
PHONE: (202) 225-5315



14-001-2305

COMMITTEE ON  
WAYS AND MEANS  
SUBCOMMITTEES ON  
SELECT REVENUE MEASURES  
AND  
HUMAN RESOURCES

Congress of the United States  
House of Representatives  
Washington, DC 20515

July 11, 2014

Ms. Laura Vaught  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, RM 3426 ARN  
Washington, DC 20460-0001

Dear Ms. Vaught:

I have recently been contacted concerning the claim of:

(b) (6)  
[REDACTED]

I want to express my interest on behalf of this constituent and ask to be kept advised of developments as they occur. Please review and extend every consideration to (b) (6) request. Also, please inform my Constituent Services Representative, Samantha Eaton, of the status and of any action that was taken on his behalf. Samantha can be reached at my Jeffersonville district office.

The information you provide will be most helpful to my constituent. Thank you for your time and attention to this matter.

In Service,

Todd Young  
Member of Congress

TY/SE

Congressman Todd Young  
9<sup>th</sup> District, Indiana

Phone: (812) 288-3999  
Fax: (812) 288-3873

## Consent for Release of Personal Records by Executive Agencies

Please complete and return to the following address:

Congressman Todd Young  
District Office  
279 Quartermaster Ct.  
Jeffersonville, IN 47130

"Name of Government Agency \_\_\_\_\_

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

"Social Security Number \_\_\_\_\_

Claim # (if applicable) \_\_\_\_\_

(b) (6)

"Telephone Number \_\_\_\_\_

Alternate Telephone # \_\_\_\_\_

(b) (6)

Home Address \_\_\_\_\_

Would you like to receive our e-newsletter? Yes

How did you hear about us? ☐ friend/relative ☐ website ☐ mail ☒ other elected official  
☐ other \_\_\_\_\_

Have you contacted any other elected officials about this problem? If yes, who? Yes

STATE Rep: STEVE DAVIDSON

(over please)

Congressman Todd Young  
9<sup>th</sup> District, Indiana

Phone: (812) 288-3999  
Fax: (812) 288-3873

\*PLEASE EXPLAIN YOUR PROBLEM AND WHAT YOU WOULD LIKE FOR THIS  
OFFICE TO DO ON YOUR BEHALF (please print clearly):

Brooklyn Court in Pekin, IN was developed  
By Guthrie Development and they didn't  
properly do asphalt on road entrance.  
The left equipment that has been here for years and  
is leaking fluids and oil to surrounding addition.  
There are toxic materials left, insulation and a building  
that is full of pigeon manure. It is unhealthy and  
Mr Guthrie won't address his responsibility.  
We are working with State Representative Steve Danksen  
to get help from State in addressing this.

If you wish to authorize the release of information regarding your case to a relative or  
third (b) (6)

I have sought assistance from Congressman Todd Young on a matter that may require the release  
of information maintained by your agency, and which you may be prohibited from disseminating  
under the Privacy Act of 1974.

I hereby authorize you to release all relevant portions of my records or to discuss problems  
involved in this case with Congressman Todd Young or any authorized member of his staff until  
this matter (b) (6) information is accurate.

Signature

Date: 7-1-2014

\*Required Information





United States Environmental Protection Agency  
Regional Administrator  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

**AUG 05 2014**

The Honorable Todd Young  
Member, U.S. House of  
Representatives  
279 Quartermaster Court  
Jeffersonville, Indiana 47130

Dear Congressman Young:

Thank you for your July 11, 2014 letter regarding your constituent (b) (6) concerns about abandoned materials at his residential subdivision in Pekin, Indiana.

The U.S. Environmental Protection Agency contacted (b) (6) to gather additional information and subsequently referred the matter to the Indiana Department of Environmental Management, the agency responsible for enforcing solid waste regulations. If you would like a status report on IDEM's investigation, please contact Susan Lowry at (317) 234-6935.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Eileen Deamer, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S Hedman", is written over a horizontal line.

Susan Hedman  
Regional Administrator

**Congress of the United States**  
**Washington, DC 20515**

November 1, 2016

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Madam Administrator:

The undersigned Members of the U.S. House of Representatives are writing to express our concern with the Environmental Protection Agency's (EPA) draft ecological risk assessment on atrazine. In its present form, it would have a significant negative impact on farmers and rural communities nationwide.

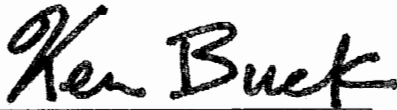
Atrazine has been used for decades as an effective herbicide for tens of thousands of growers, and it is particularly important for corn, sugar cane and sorghum producers. Moreover, it is one of the most thoroughly studied herbicides used today, accounting for nearly 7,000 scientific studies. Unfortunately, EPA's draft ecological risk assessment throws its future use into doubt, an outcome that, according to many, may not be scientifically justified. This criticism appears to be borne out by the agency's approach, where it is setting standards on studies that the EPA's own Science Advisory Panel considered "flawed" in 2012.

When used properly and in accordance with label instructions, atrazine is one of the most vital herbicides available to farmers. It has been used safely for more than fifty years and is a critical tool in assuring the sustainability of many farms nationwide. Farmers are great stewards of their land, and they understand the importance of using safe products on their crops. Limiting atrazine would create a reliance on more expensive and environmentally harmful pesticides, and make conservation efforts more difficult by impeding farming methods such as no-till or strip-till.

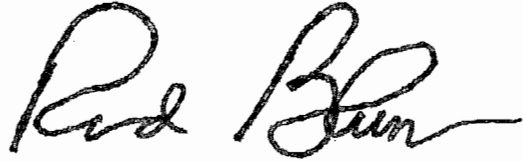
It would be irresponsible to greatly restrict one of the safest and most trusted herbicides on the market. Various economic analysis studies show farming without atrazine could cost growers up to \$59 per acre. This is especially detrimental to the small family farms that would be hurt by an unsubstantiated government decision.

With this information in mind we ask that you take into account the needs of farmers and use sound science when finalizing the ecological risk assessment for atrazine. It is imperative that EPA take the science and public comments seriously and revise the preliminary ecological risk assessment using the best available data. We look forward to your response.

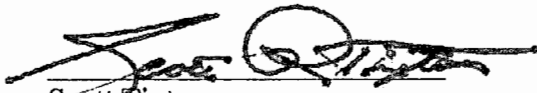
Sincerely,



Ken Buck  
Member of Congress



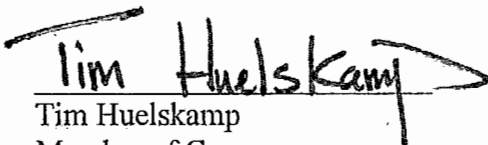
Rod Blum  
Member of Congress



Scott Tipton  
Member of Congress



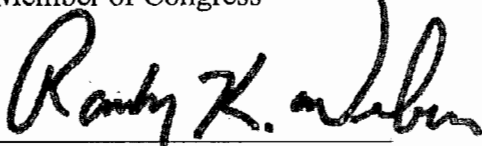
Glenn Grothman  
Member of Congress



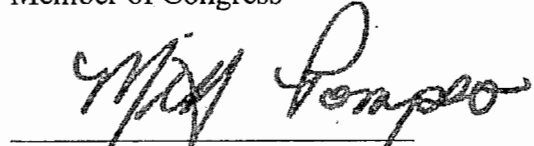
Tim Huelskamp  
Member of Congress



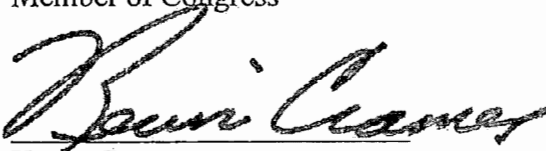
Rick Crawford  
Member of Congress



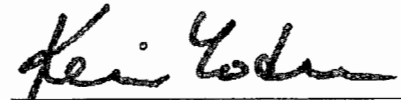
Randy K. Weber  
Member of Congress



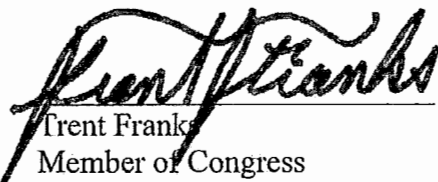
Mike Pompeo  
Member of Congress



Kevin Cramer  
Member of Congress



Kevin Yoder  
Member of Congress

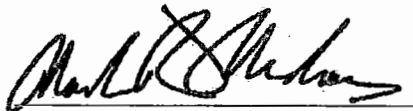


Trent Franks  
Member of Congress

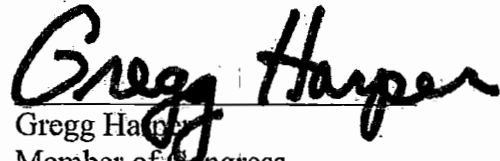


Scott DesJarlais  
Member of Congress

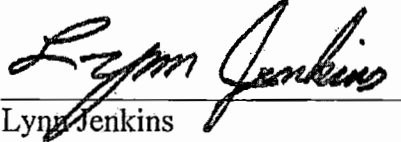




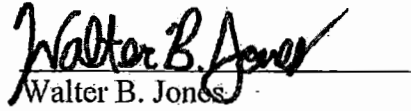
Mark Meadows  
Member of Congress



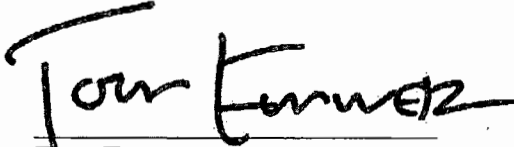
Gregg Harper  
Member of Congress



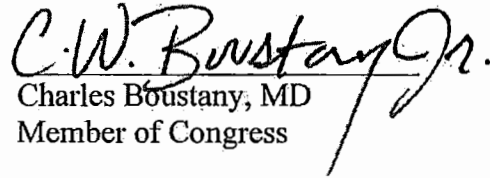
Lynn Jenkins  
Member of Congress



Walter B. Jones  
Member of Congress



Tom Emmer  
Member of Congress



Charles Boustany, MD  
Member of Congress



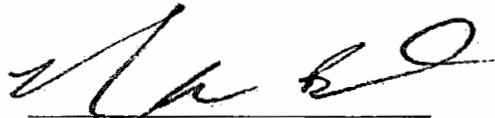
Adrian Smith  
Member of Congress



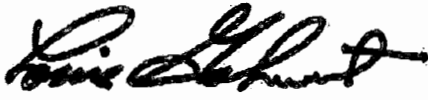
Richard Hudson  
Member of Congress



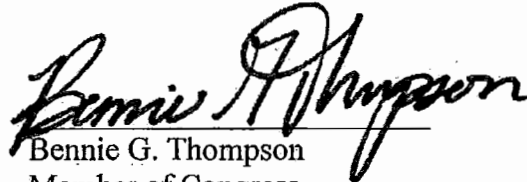
Bradley Byrne  
Member of Congress



Mike Bost  
Member of Congress



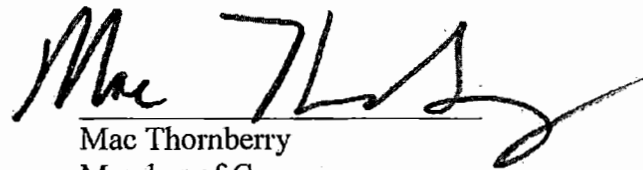
Louie Gohmert  
Member of Congress



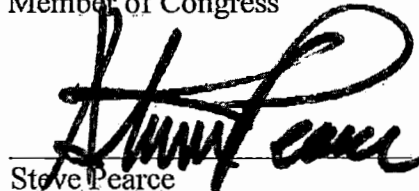
Bennie G. Thompson  
Member of Congress



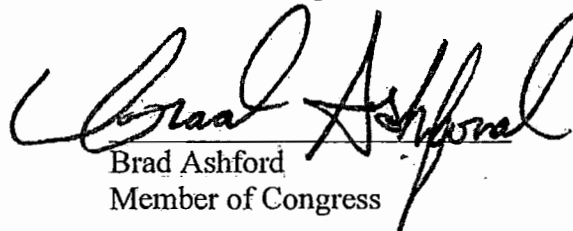
Paul A. Gosar  
Member of Congress



Mac Thornberry  
Member of Congress



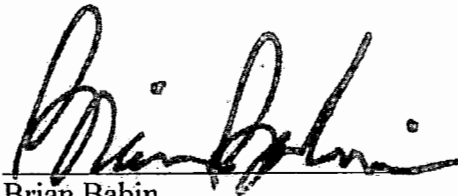
Stove Pearce  
Member of Congress



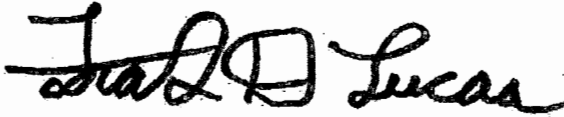
Brad Ashford  
Member of Congress



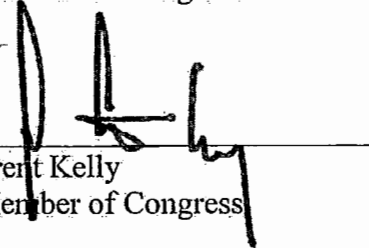
Adam Kinzinger  
Member of Congress



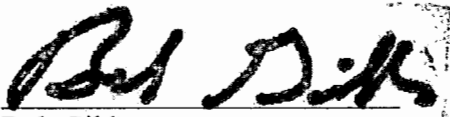
Brian Babin  
Member of Congress



Frank Lucas  
Member of Congress



Trent Kelly  
Member of Congress



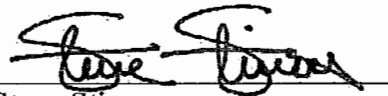
Bob Gibbs  
Member of Congress



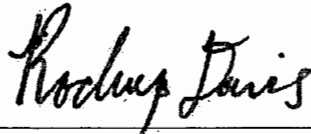
Mike Coffman  
Member of Congress



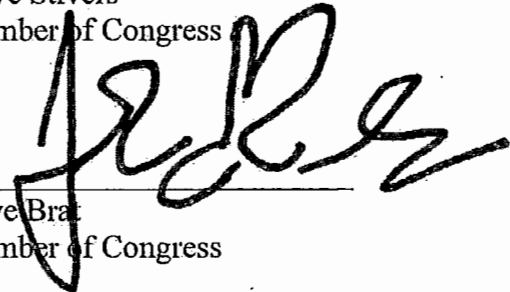
Steve Chabot  
Member of Congress



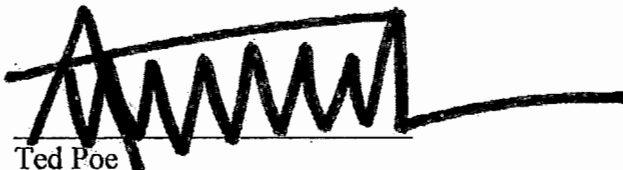
Steve Stivers  
Member of Congress



Rodney Davis  
Member of Congress



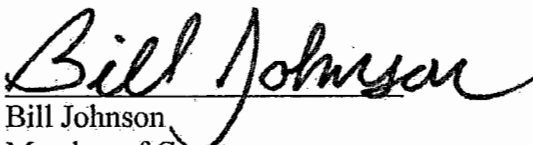
Dave Brat  
Member of Congress



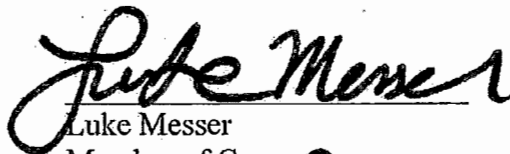
Ted Poe  
Member of Congress



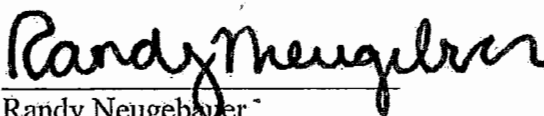
John Shimkus  
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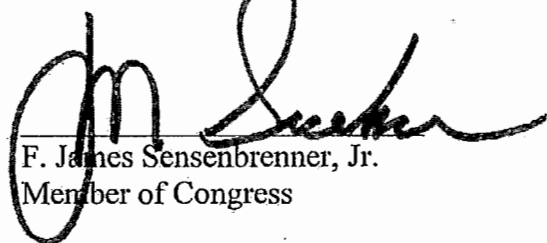
Bill Johnson  
Member of Congress



Luke Messer  
Member of Congress



Randy Neugebauer  
Member of Congress



F. James Sensenbrenner, Jr.  
Member of Congress

Raúl R. Labrador

Raúl Labrador  
Member of Congress

Stephen Fincher

Stephen Fincher  
Member of Congress

Ted S. Yoho

Ted S. Yoho, DVM  
Member of Congress

Vicky Hartzler

Vicky Hartzler  
Member of Congress

Tim Walberg

Tim Walberg  
Member of Congress

Bob Young

Bob Young  
Member of Congress

Thomas J. Rooney

Thomas J. Rooney  
Member of Congress

Ralph Abraham

Ralph Abraham, MD  
Member of Congress

Martha McSally

Martha McSally  
Member of Congress

John Moolenaar

John Moolenaar  
Member of Congress

Blake Farenthold

Blake Farenthold  
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Jim Renacci

Jim Renacci  
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Jackie Walorski

Jackie Walorski  
Member of Congress

Bruce Westerman

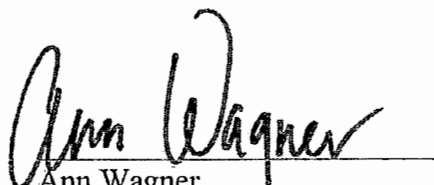
Bruce Westerman  
Member of Congress

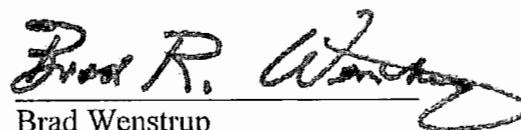
Susan W. Brooks


Susan W. Brooks  
Member of Congress

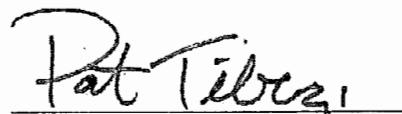
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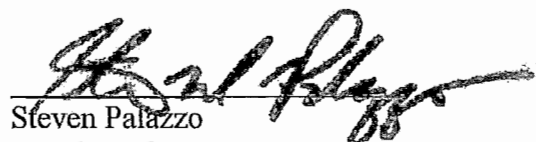
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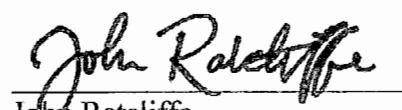
  
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Brad Wenstrup  
Member of Congress

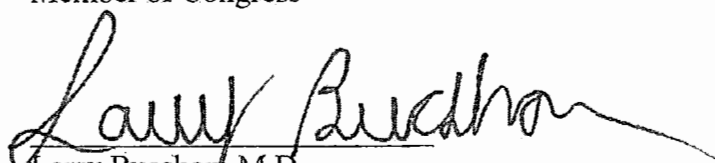
  
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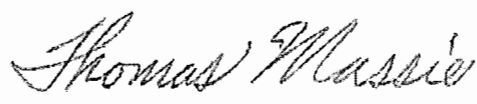
  
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Steven Palazzo  
Member of Congress

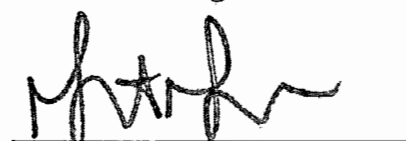
  
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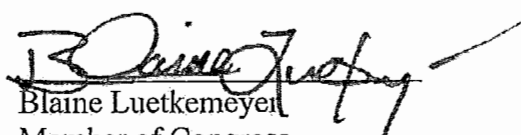
  
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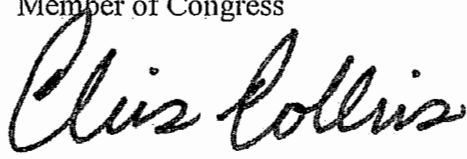
  
Larry Bucshon, M.D.  
Member of Congress


  
Thomas Massie  
Member of Congress

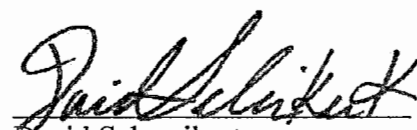
  
Warren Davidson  
Member of Congress


  
Garret Graves  
Member of Congress

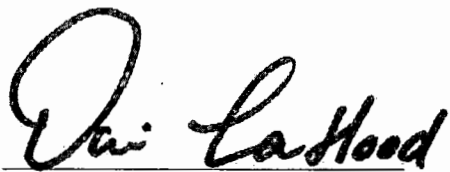
  
Blaine Luetkemeyer  
Member of Congress

  
Chris Collins  
Member of Congress

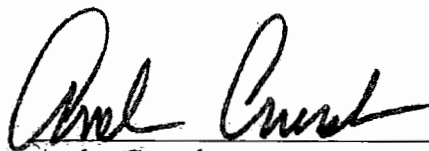
  
French Hill  
Member of Congress

  
David Schweikert  
Member of Congress

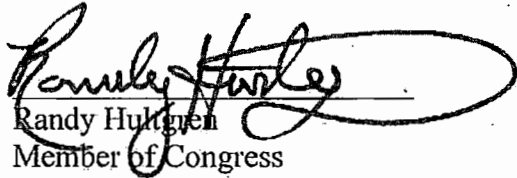
  
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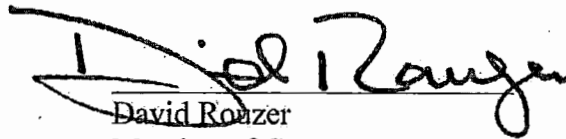
Darin LaHood  
Member of Congress



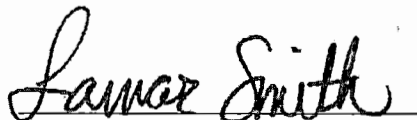
Ander Crenshaw  
Member of Congress



Randy Hultgren  
Member of Congress



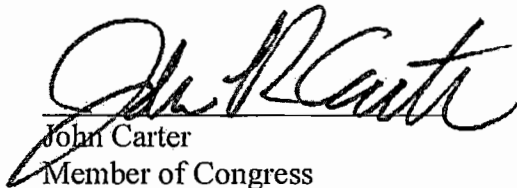
David Rouzer  
Member of Congress



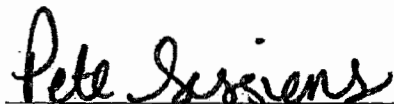
Lamar Smith  
Member of Congress



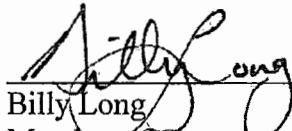
Sean Duffy  
Member of Congress



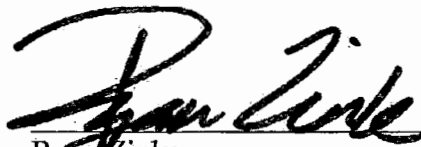
John Carter  
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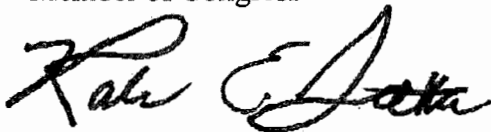
Pete Sessions  
Member of Congress



Billy Long  
Member of Congress



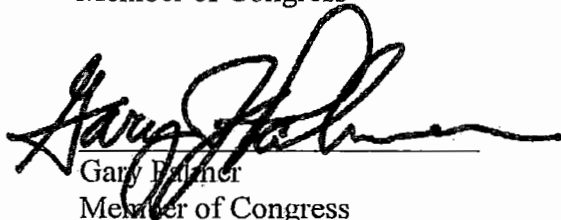
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Member of Congress



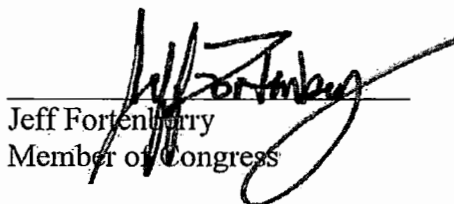
Robert E. Latta  
Member of Congress



Bob Goodlatte  
Member of Congress



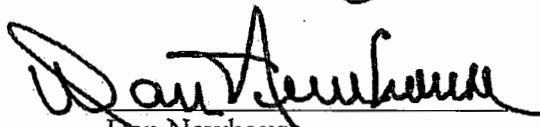
Gary Palmer  
Member of Congress



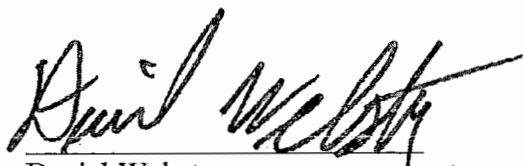
Jeff Fortenberry  
Member of Congress



Steve King  
Member of Congress



Dan Newhouse  
Member of Congress




Daniel Webster  
Member of Congress



Michael R. Turner  
Member of Congress



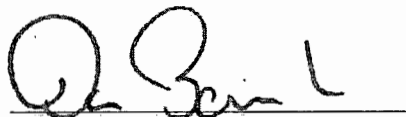
Henry Cuellar, PhD  
Member of Congress



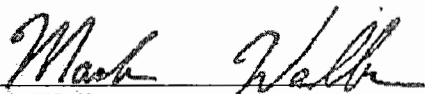
Filemon Vela  
Member of Congress




Steve Scalise  
Member of Congress



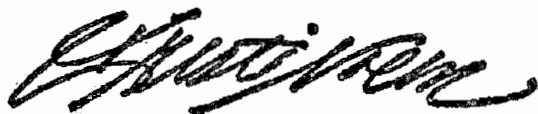
Dan Benishek M.D.  
Member of Congress



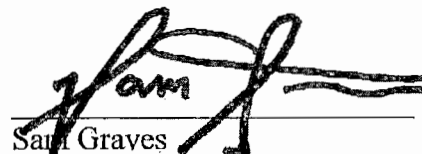
Mark Walker  
Member of Congress



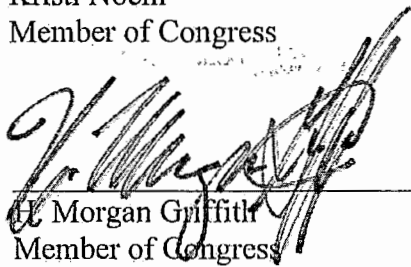
Fred Upton  
Member of Congress



Kristi Noem  
Member of Congress



Sam Graves  
Member of Congress



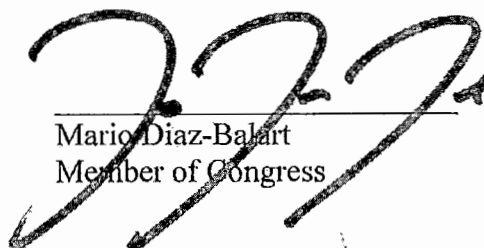
H. Morgan Griffith  
Member of Congress



Bill Flores  
Member of Congress



Robert Aderholt  
Member of Congress



Mario Diaz-Balart  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 16 2016

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Todd Young  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Young:

Thank you for your November 1, 2016, letter to the U.S. Environmental Protection Agency regarding atrazine. Atrazine is currently undergoing re-evaluation at the EPA as part of the agency's mandated periodic review of registered pesticides.

As part of this process, the EPA released atrazine's draft ecological risk assessment for public comment in June 2016. The comment period closed on October 5, 2016. We will add your letter to the docket to capture it in the public record. The draft assessment does not recommend restrictions – i.e., measures to mitigate risks – on atrazine. Rather, the purpose of publishing the draft ecological risk assessment is to present information based on current science and policy and to solicit comments on the agency's methodologies, data and studies used to assess the potential ecological risks associated with the use of atrazine. In 2017, the agency anticipates completing the draft human health risk assessment and convening a Federal, Insecticide, Fungicide and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) on the revised ecological risk assessment, after which, we will update the ecological risk assessment.

After the EPA has reviewed and considered the public and the SAP comments, then we will determine whether any mitigation measures on atrazine are necessary to address risk issues. That consideration will include a careful weighing of the risks posed by atrazine and the benefits of its use. The EPA is aware of the issues regarding the potential trade-off between atrazine usage and nutrient/water quality conservation. As with the draft risk assessments, the public will have an opportunity to comment on the agency's proposed mitigation measures and we will evaluate and consider the comments before making a decision.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Jones", is written over a horizontal line.

James J. Jones  
Assistant Administrator



**Congress of the United States**  
**Washington, DC 20515**

July 24, 2013

Ms. Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: EPA Proposed Rule: Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA-HQ-UST-2011-0301)

Dear Ms. McCarthy:

We are writing to express our concern about the U.S. Environmental Protection Agency's (EPA) proposed rule amending 40 CFR Parts 280 and 281; Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA-HQ-UST-2011-0301), published in the Federal Register on November 18, 2011. In light of the regulatory cost impact of the proposed rule on small businesses, we respectfully request that the EPA withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel.

After doing its own evaluation of the economic impacts of the proposed rule, the EPA estimated a compliance cost of \$900 which they conclude would not constitute a significant economic impact on small businesses. However, according to industry experts, a more realistic estimate of the cost of compliance is \$6,960 annually which could be particularly burdensome, especially since much of the convenience store industry is comprised of small businesses. Many of those businesses who were interviewed by EPA as part of the cost evaluation tell us that the scope of evaluation was not adequate to determine the full impact of the proposed rule.

Also, the Small Business Administration's (SBA) Office of Advocacy was not contacted as contemplated by the Regulatory Flexibility Act, and EPA has not had the benefit of a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel process to evaluate the costs and benefits of the proposed rule. We believe EPA would benefit from the panel and the expertise of the industry in assessing costs and perhaps finding a more effective and economical tank release and monitoring program.

Ultimately, the discrepancy between the agency cost estimates and the industry estimates cause us concern and warrants further evaluation. We respectfully suggest that the proper remedy would be to withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel to address the issues raised.

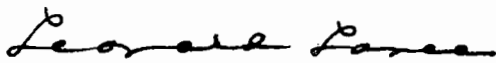
Thank you for your consideration. We look forward to hearing from you.

Sincerely,

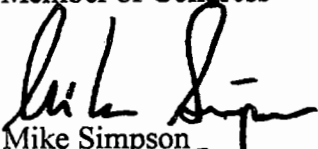
Gregg Harper  
Member of Congress

John Barrow  
Member of Congress

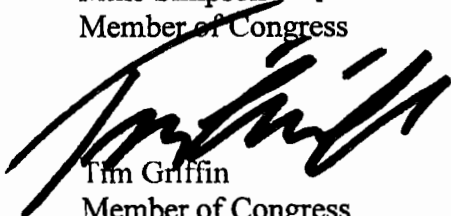





Leonard Lance  
Member of Congress



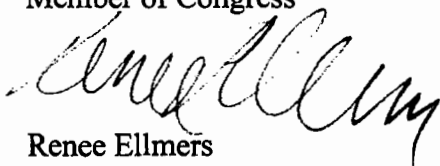
Mike Simpson  
Member of Congress



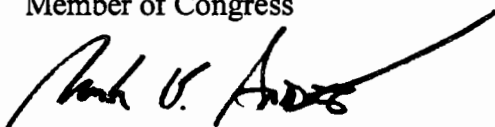
Tim Griffin  
Member of Congress



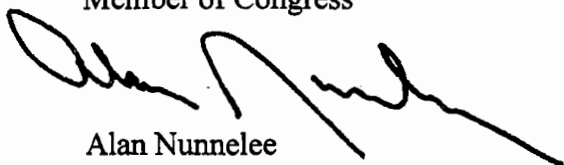
Steve Womack  
Member of Congress



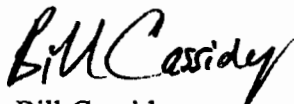
Renee Ellmers  
Member of Congress



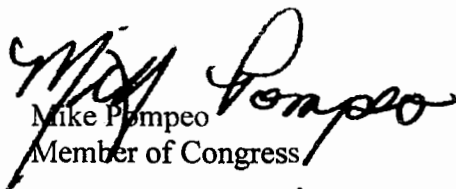
Mark Amodei  
Member of Congress



Alan Nunnelee  
Member of Congress



Bill Cassidy  
Member of Congress



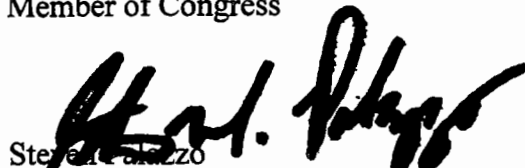
Mike Pompeo  
Member of Congress



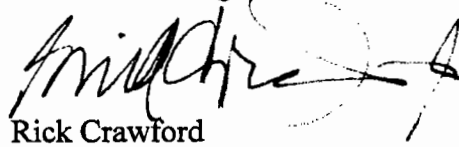
Robert E. Latta  
Member of Congress



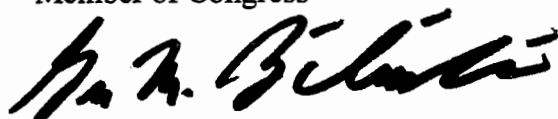
Marsha Blackburn  
Member of Congress



Steven Palazzo  
Member of Congress



Rick Crawford  
Member of Congress



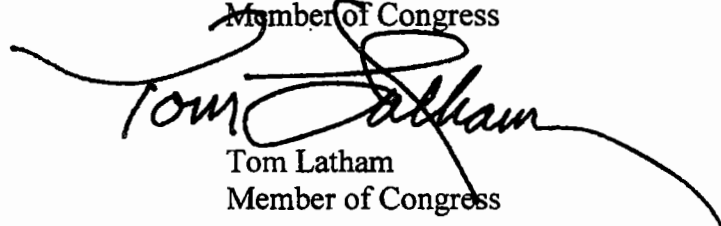
Gus Bilirakis  
Member of Congress



Lee Terry  
Member of Congress



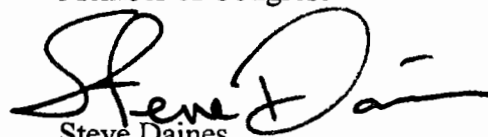
Tom Cotton  
Member of Congress



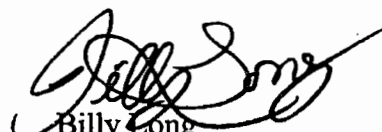
Tom Latham  
Member of Congress



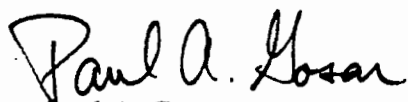
Adam Kinzinger  
Member of Congress



Steve Daines  
Member of Congress



Billy Long  
Member of Congress



Paul A. Gosar  
Member of Congress



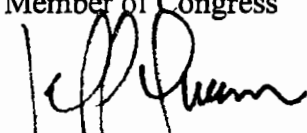
Jason Chaffetz  
Member of Congress



Rob Bishop  
Member of Congress




Walter Jones  
Member of Congress



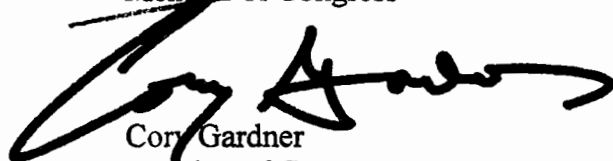
Jeff Duncan  
Member of Congress



Mick Mulvaney  
Member of Congress



David P. Roe, M.D.  
Member of Congress



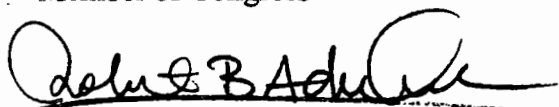
Cory Gardner  
Member of Congress



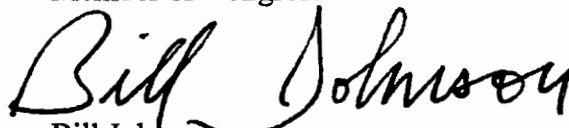
Cathy McMorris Rodgers  
Member of Congress



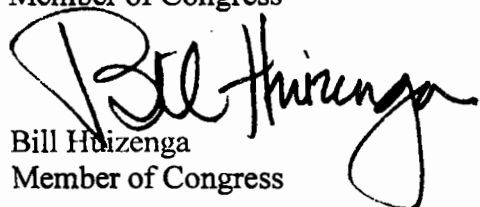
Brett Guthrie  
Member of Congress



Robert B. Aderholt  
Member of Congress



Bill Johnson  
Member of Congress



Bill Huizenga  
Member of Congress



Mo Brooks  
Member of Congress



Virginia Foxx  
Member of Congress



Greg Walden  
Member of Congress



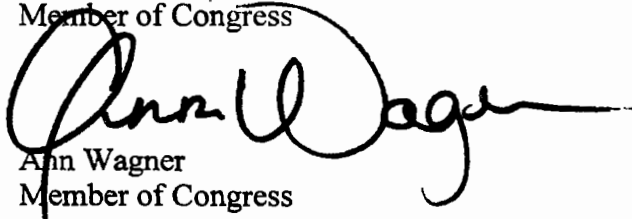
Mike Rogers (AL)  
Member of Congress



Daniel Webster  
Member of Congress



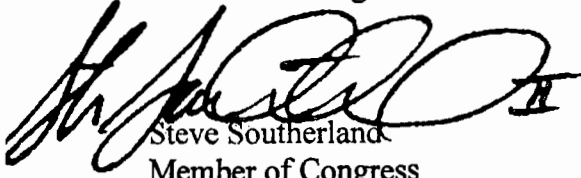
Adrian Smith  
Member of Congress



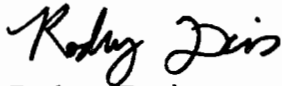
Ann Wagner  
Member of Congress



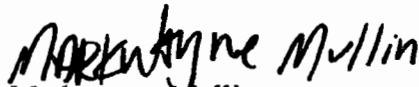
Mike Rogers (MI)  
Member of Congress



Steve Southerland  
Member of Congress



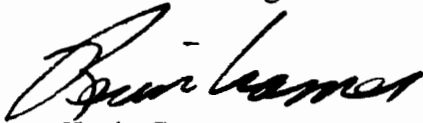
Rodney Davis  
Member of Congress



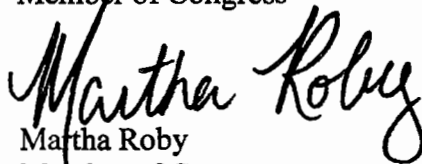
Markwayne Mullin  
Member of Congress



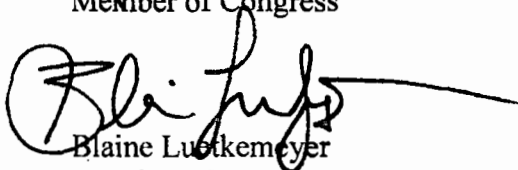
Todd Rokita  
Member of Congress



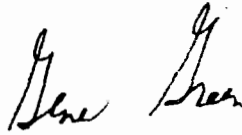
Kevin Cramer  
Member of Congress



Martha Roby  
Member of Congress



Blaine Luetkemeyer  
Member of Congress



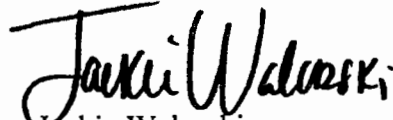
Gene Green  
Member of Congress



Vicky Hartzler  
Member of Congress



Todd Young  
Member of Congress

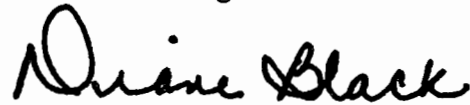


Jackie Walorski  
Member of Congress

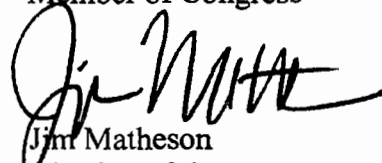


Steven Fincher  
Member of Congress

Scott DesJarlais  
Member of Congress



Diane Black  
Member of Congress



Jim Matheson  
Member of Congress

CC:  
Ms. Carolyn Hoskinson  
Director  
Office of Underground Storage Tanks



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

07/25/13

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

The Honorable Todd Young  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Young:

Thank you for your letter of July 24, 2013, regarding the proposed revisions to the U.S. Environmental Protection Agency's (EPA) underground storage tank regulations. Knowing that the majority of our regulated entities are small businesses, we agree it is important to recognize potential impacts to this sector. This was one of the main reasons why, when drafting the proposal, we made a concerted effort to propose provisions which would not require costly retrofits to existing underground storage tank (UST) systems, yet would help ensure protection of public health and the environment.

The EPA carefully evaluated the costs associated with the proposal and explained the agency's analysis in the regulatory impact assessment (RIA). Our analysis determined that the potential costs of the proposal did not reach a level that would require convening a Small Business Advocacy Review Panel. Although EPA did not convene a Panel, we sought extensive stakeholder input to help inform our rulemaking proposal.

Prior to the November 2011 proposal, the EPA engaged in a multi-year effort with stakeholders to identify appropriate updates and modifications to the UST regulations. Before the EPA started to draft regulatory language, the agency reached out to potentially affected parties to ask for their input on what changes to make to the UST regulations. Starting in March 2008, the EPA had conference calls, in person meetings, and shared emails with stakeholders. The EPA reached out to petroleum marketers and other owners and operators of UST systems, equipment manufacturers, vendors and service providers who work on the equipment, among others. Specifically, the EPA met with industry representatives of Petroleum Marketers Association of America (PMAA), American Petroleum Institute (API), National Association of Convenience Stores (NACS), SIGMA, National Association of Truckstop Owners (NATSO) and the Petroleum Transportation and Storage Association (PTSA). In addition to meeting with these stakeholders, the EPA also met with several individual marketing, equipment and service companies. The EPA held a series of in person meetings with these groups to gain their input on potential changes to the UST regulations. The feedback included information about field experience with UST system equipment, requests not to require extensive retrofits, and general support for a focus on operations and maintenance activities. These meetings were held March 17, 2008, April 17, 2008, June 18, 2008 and November 18, 2008.

The EPA documented a list of all of the ideas submitted by stakeholders during these meetings as well as through email. In January 2009, the EPA emailed this list of potential changes to the UST regulations to all stakeholders, and asked for their comments on the ideas. Based on all of the comments received in

DAVID B. MCKINLEY, P.E.

1ST DISTRICT, WEST VIRGINIA

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www.mckinley.house.gov

Co-CHAIR,

CONGRESSIONAL ARTHRITIS CAUCUS

Co-CHAIR,

CONGRESSIONAL YOUTH CHALLENGE CAUCUS

Co-CHAIR,

HIGH PERFORMANCE BUILDINGS CAUCUS

## Congress of the United States

### House of Representatives

COMMITTEE ON  
ENERGY AND COMMERCESUBCOMMITTEE ON  
ENERGY AND POWERSUBCOMMITTEE ON  
COMMERCE, MANUFACTURING AND  
TRADESUBCOMMITTEE ON  
ENVIRONMENT AND THE ECONOMY

October 23, 2013

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator McCarthy:

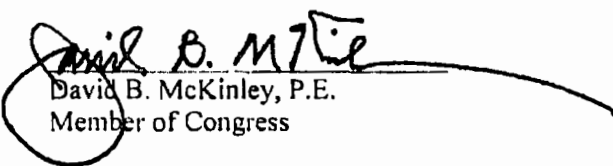
We are troubled by the EPA's announcement on September 30, 2013 entitled "EPA to Hold Public Listening Sessions on Reducing Carbon Pollution from Existing Power Plants." While hosting eleven public listening sessions held across the country in order to solicit feedback from the public is important, your plan leaves out those most impacted by the regulation by seeking input only in major urban areas.

While the proposed regulations on new and existing power plants may not be burdensome to cities such as Boston, San Francisco, Washington, D.C., or New York City, it will have significant impacts on businesses and families in rural areas. Already, one-fifth of our nation's coal plants, 204 facilities across 25 states, closed between 2009 and 2012. These closed and existing plants are not located in areas you are holding these listening sessions. In all fairness, residents and businesses in rural areas deserve to be heard just as much.

The EPA must hear from Americans on Main Street in rural America not downtown San Francisco or Washington, D.C. If the EPA really wants to learn the impact this regulation will have on mayors, store clerks, senior citizens, blue-collar Americans and others, you must hold these sessions in locations that produce coal and coal-fired electricity. We highly recommend that you and your colleagues take a step out of the Beltway and visit the places that make America great; the places your regulations continue to devastate by shuttering plants and killing jobs. These people need your help and want their views to be heard. Please add rural American communities in which coal and gas are a part of their economies to your locations for listening sessions.

Thank you for your attention to this matter, and we look forward to your thoughts.

Sincerely,

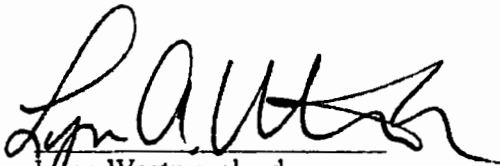


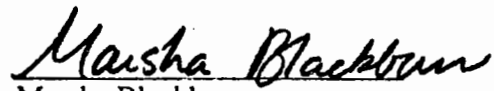
David B. McKinley, P.E.  
Member of Congress

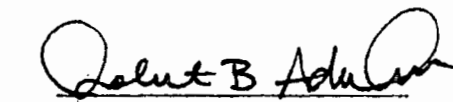


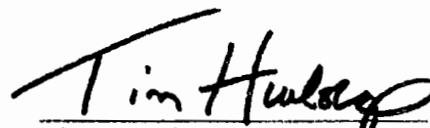
Shelley Moore Capito  
Member of Congress


Congress of the United States  
Washington, DC 20515

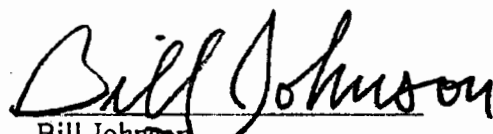
  
Lynn Westmoreland  
Member of Congress

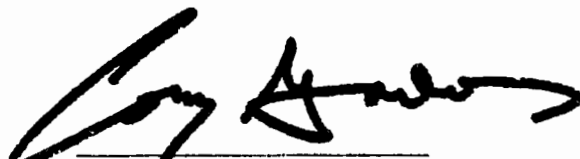
  
Marsha Blackburn  
Member of Congress

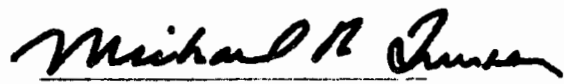
  
Robert Aderholt  
Member of Congress


  
Tim Huelskamp  
Member of Congress

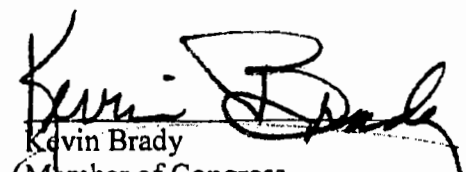
  
Steve Southerland  
Member of Congress


  
Bill Johnson  
Member of Congress

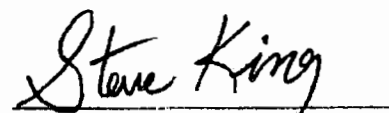
  
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Member of Congress

  
Michael Turner  
Member of Congress

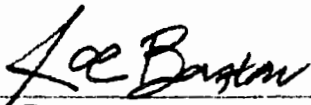
  
Rodney Davis  
Member of Congress

  
Kevin Brady  
Member of Congress

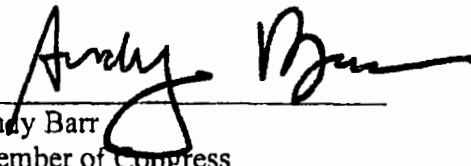
  
Louie Gohmert  
Member of Congress

  
Steve King  
Member of Congress

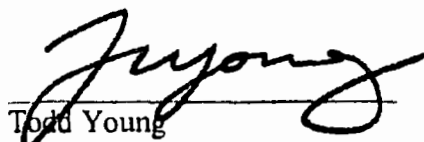
Congress of the United States  
Washington, DC 20515



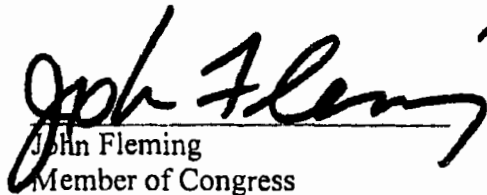
Joe Barton  
Member of Congress



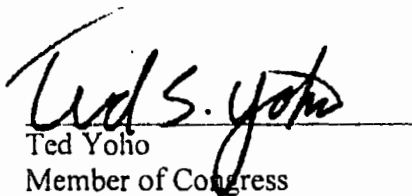
Andy Barr  
Member of Congress



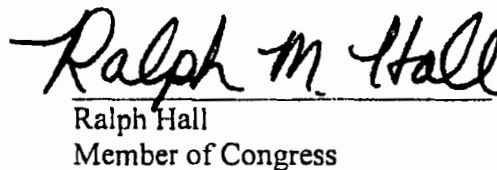
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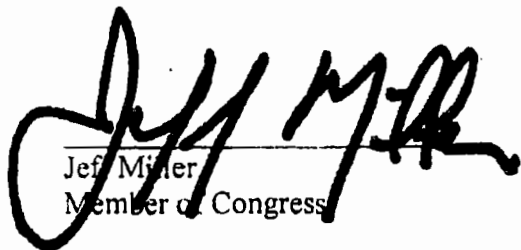
John Fleming  
Member of Congress



Ted Yoho  
Member of Congress



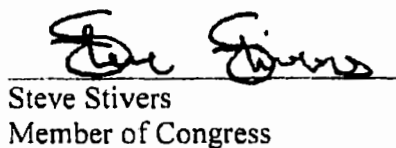
Ralph Hall  
Member of Congress



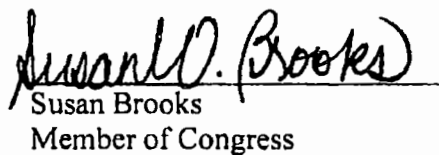
Jeff Miller  
Member of Congress



Blake Farenthold  
Member of Congress




Steve Stivers  
Member of Congress



Susan Brooks  
Member of Congress




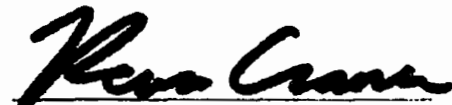
Kristi Noem  
Member of Congress

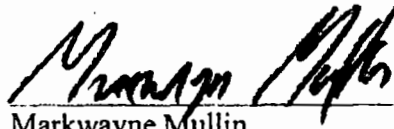


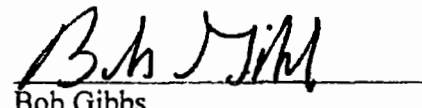
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Member of Congress

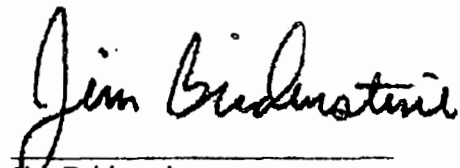
Congress of the United States  
Washington, DC 20515

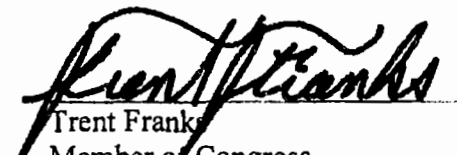
  
Mick Mulvaney  
Member of Congress

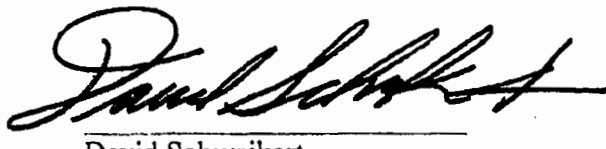
  
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Member of Congress

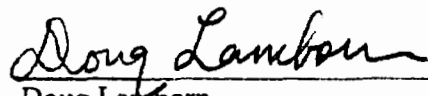
  
Markwayne Mullin  
Member of Congress


  
Bob Gibbs  
Member of Congress

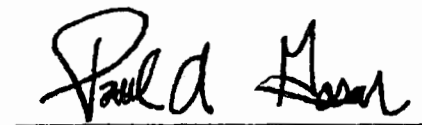
  
Jim Bridenstine  
Member of Congress

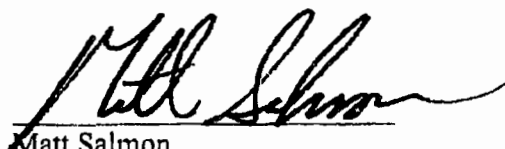
  
Trent Franks  
Member of Congress


  
David Schweikert  
Member of Congress

  
Doug Lamborn  
Member of Congress

  
Joe Wilson  
Member of Congress

  
Paul Gosar  
Member of Congress

  
Matt Salmon  
Member of Congress

  
Todd Rokita  
Member of Congress

  
Hal Rogers  
Member of Congress





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**JAN 16 2014**

OFFICE OF  
AIR AND RADIATION

The Honorable Todd Young  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Young:

Thank you for your letter of October 23, 2013, co-signed by 38 of your colleagues, to U.S. Environmental Protection Agency Administrator Gina McCarthy requesting that the EPA hold listening sessions in rural areas across the United States on reducing carbon pollution from existing power plants. The Administrator has asked that I respond on her behalf.

The EPA is working diligently to address carbon pollution from power plants. In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. His call included a directive for the EPA "to work expeditiously to complete carbon pollution standards for both new and existing power plants." Currently, there are no federal standards in place to reduce carbon pollution from the country's largest source. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including your state. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders, including many from rural areas. In addition, the EPA leadership and senior staff, in Washington, D.C. and in every one of our ten regional offices, have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country, including your state; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want—and need—all available information about what is important to each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences.

**Congress of the United States**  
**Washington, DC 20515**

May 1, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

The Honorable John M. McHugh  
Secretary  
Department of the Army  
The Pentagon, Room 3E700  
Washington, D.C. 20310

Dear Administrator McCarthy and Secretary McHugh:

We write to express our serious concerns with the proposed rule re-defining the scope of federal power under the Clean Water Act (CWA) and ask you to return this rule to your Agencies in order to address the legal, economic, and scientific deficiencies of the proposal.

On March 25, 2014, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) released a proposed rule that would assert CWA jurisdiction over nearly all areas with any hydrologic connection to downstream navigable waters, including man-made conveyances such as ditches. Contrary to your agencies' claims, this would directly contradict prior U.S. Supreme Court decisions, which imposed limits on the extent of federal CWA authority. Although your agencies have maintained that the rule is narrow and clarifies CWA jurisdiction, it in fact aggressively expands federal authority under the CWA while bypassing Congress and creating unnecessary ambiguity. Moreover, the rule is based on incomplete scientific and economic analyses.

The rule is flawed in a number of ways. The most problematic of these flaws concerns the significant expansion of areas defined as "waters of the U.S." by effectively removing the word "navigable" from the definition of the CWA. Based on a legally and scientifically unsound view of the "significant nexus" concept espoused by Justice Kennedy, the rule would place features such as ditches, ephemeral drainages, ponds (natural or man-made), prairie potholes, seeps, flood plains, and other occasionally or seasonally wet areas under federal control.

Additionally, rather than providing clarity and making identifying covered waters "less complicated and more efficient," the rule instead creates more confusion and will inevitably cause unnecessary litigation. For example, the rule heavily relies on undefined or vague concepts such as "riparian areas," "landscape unit," "floodplain," "ordinary high water mark" as determined by the agencies' "best professional judgment" and "aggregation." Even more egregious, the rule throws into confusion extensive state regulation of point sources under various CWA programs.

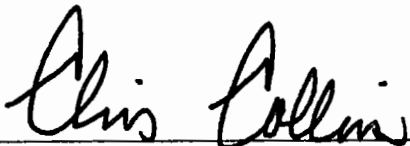
In early December of 2013, your agencies released a joint analysis stating that this rule would subject an additional three percent of U.S. waters and wetlands to CWA jurisdiction and that the rule would create an economic benefit of at least \$100 million annually. This calculation is seriously flawed. In this analysis, the EPA evaluated the FY 2009-2010 requests for jurisdictional determinations – a period of time that was the most economically depressed in

nearly a century. This period, for example, saw extremely low construction activity and should not have been used as a baseline to estimate the incremental acreage impacted by this rule. In addition, the derivation of the three percent increase calculation did not take into account the landowners who – often at no fault of their own – do not seek a jurisdictional determination, but rather later learn from your agencies that their property is subject to the CWA. These errors alone, which are just two of many in EPA's assumptions and methodology, call into question the veracity of any of the conclusions of the economic analysis.

Compounding both the ambiguity of the rule and the highly questionable economic analysis, the scientific report – which the agencies point to as the foundation of this rule – has been neither peer-reviewed nor finalized. The EPA's draft study, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," was sent to the EPA's Science Advisory Board to begin review on the same day the rule was sent to OMB for interagency review. The science should always come before a rulemaking, especially in this instance where the scientific and legal concepts are inextricably linked.

For all these reasons, we ask that this rule be withdrawn and returned to your agencies. This rule has been built on an incomplete scientific study and a flawed economic analysis. We therefore ask you to formally return this rule to your agencies.

Sincerely,



CHRIS COLLINS  
Member of Congress



KURT SCHRADER  
Member of Congress



BILL SHUSTER  
Chairman  
House Committee on  
Transportation and Infrastructure



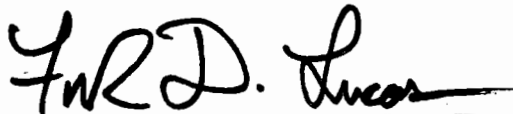
LAMAR SMITH  
Chairman  
House Committee on  
Science, Space, and Technology



FRED UPTON  
Chairman  
House Committee on  
Energy and Commerce



DOC HASTINGS  
Chairman  
House Committee on  
Natural Resources



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Ranking Member  
House Committee on Agriculture

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Vietnam  
James Baker

Adrian Smith

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John Banner

Walter B. Jones

Mike Simpson

~~Charles B. Wheeler~~

Bill Owens

Tom Sisk

Jim Sundman WI-05

Robert G. With VA-01

Rat Tiller

Gerald P. Lummis

J P Lummis

Bob Lummis

Tim Hurling

Marsha Blackburn

Ken Yoder

Julie Wink

Odd Rotund

Joe Lummis

Mark V. Lummis

Van H. Lummis

Milly R. Pompeo

Joe Barletta

Mike Karanthod

John Lummis

Gene Lummis

Jim Bidenstein

Long Lummis

Joe Lummis

Chuck Fleish

Mark Scott

R. L. Lummis

Thomas Massie

Brett Guthrie

Jim Jim M.C.

Ch Stewart

Ann Sch

Larry Buehner

Eric Eric

Kay Stanger

Bill Fow

16. Mar 1991

High Fund

D. Buehner

Bill Laidy

Gregg Harper

Glen G Thompson

Archie Rye (M-03)

La Van

Jayoung

Vicky Hartzler

Lynn Jenkins

Ken Cane

Steve Womack

Roger Williams

Jaime Herrera Beutler

Jenni Sewell

Tim P. (AR-02)

Frank R. Wenzel

John P. O.

Sam J. Smith

Alan N.

Paul N.

Dillon Song

Susan W. Brooks

Mark Kelly

J. John

Bill Johnson

Michael

Bill Huizenga

Mike M.

Joe A.

Joe A.

Andy B.

Ken A. K.

Ken A. K.

Raul R. Labrador

Mike A.

Mike A.

Mike A.

Mike A.

R Woodall

CPH

Quine Black

Mo Brooks

B

Kerry Wautley

Hunt Fern

Ch Bonamy

Nike Stapp

John Culberson

Dr. M. Zilinski

Luke Menna

Mark Wayne Mullin

Pat Sker

Don B. Agel

Ch. J. Hunt

Sam Johnson

Mark Sker

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CE W. Ditt

Lance Krystas

J. P. Dyer

Tom Perkins



Jon Rice  
Shirley  
Guthrie  
Robert Fitts  
Pet Over  
Ally  
T-Ver  
S.H. 115  
Karey  
Kim M's Canty  
Virginia  
Mr. 714

Kevin  
Eric Paulice  
Joe Webb  
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Tom M  
Dora Noma  
Morse H. M  
K. J. M  
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St. Chast  
Rubin Thompson

Oreg Walden

Howard Cobb

Ja Borton

Frank R. Wiley

R. Rankin

Kay Bertrio his

Coch. McNamee Lodge

Paul Cook

Shane R. Pettina

John Rahall

Joe Wilson

Scott Smith

Michael R. Jones

Angela M. Miller

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Patrick J. McHenry

Howard O. Bud McCon

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Member	Party	District
Don Young	R	AK-AL
Bradley Byrne	R	AL-1
Martha Roby	R	AL-2
Mike Rogers	R	AL-3
Robert Aderholt	R	AL-4
Mo Brooks	R	AL-5
Spencer Bachus	R	AL-6
Terri Sewell	D	AL-7
Rick Crawford	R	AR-1
Tim Griffin	R	AR-2
Steve Womack	R	AR-3
Tom Cotton	R	AR-4
Paul Gosar	R	AZ-4
Matt Salmon	R	AZ-5
David Schweikert	R	AZ-6
Trent Franks	R	AZ-8
Doug LaMalfa	R	CA-1
Jeff Denham	R	CA-10
Jim Costa	D	CA-16
David Valadao	R	CA-21
Devin Nunes	R	CA-22
Kevin McCarthy	R	CA-22
Howard "Buck" McKeon	R	CA-25
Gary Miller	R	CA-31
Tom McClintock	R	CA-4
Ken Calvert	R	CA-42
Dana Rohrabacher	R	CA-48
Darrell Issa	R	CA-49
Paul Cook	R	CA-8
Scott Tipton	R	CO-3
Cory Gardner	R	CO-4
Doug Lamborn	R	CO-5
Mike Coffman	R	CO-6
Jeff Miller	R	FL-1
Rich Nugent	R	FL-11
Gus Bilirakis	R	FL-12
Tom Rooney	R	FL-17
Steve Southerland	R	FL-2
Mario Diaz-Balart	R	FL-25
Ileana Ros-Lehtinen	R	FL-27
Ted Yoho	R	FL-3
Ron DeSantis	R	FL-6
John Mica	R	FL-7
Jack Kingston	R	GA-1
Paul Broun	R	GA-10
Phil Gingrey	R	GA-11

John Barrow	D	GA-12
David Scott	D	GA-13
Tom Graves	R	GA-14
Sanford Bishop	D	GA-2
Lynn Westmoreland	R	GA-3
Tom Price	R	GA-6
Rob Woodall	R	GA-7
Austin Scott	R	GA-8
Doug Collins	R	GA-9
Tom Latham	R	IA-3
Steve King	R	IA-5
Raul Labrador	R	ID-1
Michael Simpson	R	ID-2
William Enyart	D	IL-12
Rodney Davis	R	IL-13
Randy Hultgren	R	IL-14
John Shimkus	R	IL-15
Adam Kinzinger	R	IL-16
Aaron Schock	R	IL-18
Peter Roskam	R	IL-6
Jackie Walorski	R	IN-2
Marlin Stutzman	R	IN-3
Todd Rokita	R	IN-4
Susan Brooks	R	IN-5
Luke Messer	R	IN-6
Larry Bucshon	R	IN-8
Todd Young	R	IN-9
Tim Huelskamp	R	KS-1
Lynn Jenkins	R	KS-2
Kevin Yoder	R	KS-3
Mike Pompeo	R	KS-4
Ed Whitfield	R	KY-1
Brett Guthrie	R	KY-2
Thomas Massie	R	KY-4
Hal Rogers	R	KY-5
Andy Barr	R	KY-6
Cedric Richmond	D	LA-2
Charles Boustany	R	LA-3
John Fleming	R	LA-4
Vance McAllister	R	LA-5
Bill Cassidy	R	LA-6
Andy Harris	R	MD-1
Dan Benishek	R	MI-1
Candice Miller	R	MI-10
Kerry Bentivolio	R	MI-11
Bill Huizenga	R	MI-2
Justin Amash	R	MI-3

Dave Camp	R	MI-4
Fred Upton	R	MI-6
Tim Walberg	R	MI-7
Mike Rogers	R	MI-8
John Kline	R	MN-2
Erik Paulsen	R	MN-3
Michele Bachmann	R	MN-6
Collin Peterson	D	MN-7
Ann Wagner	R	MO-2
Blaine Luetkemeyer	R	MO-3
Vicky Hartzler	R	MO-4
Sam Graves	R	MO-6
Billy Long	R	MO-7
Jason Smith	R	MO-8
Alan Nunnelee	R	MS-1
Bennie G. Thompson	D	MS-2
Gregg Harper	R	MS-3
Steven Palazzo	R	MS-4
Patrick McHenry	R	NC-10
Mark Meadows	R	NC-11
George Holding	R	NC-13
Renee Ellmers	R	NC-2
Walter Jones	R	NC-3
Virginia Foxx	R	NC-5
Howard Coble	R	NC-6
Mike McIntyre	D	NC-7
Richard Hudson	R	NC-8
Robert Pittenger	R	NC-9
Kevin Cramer	R	ND-AL
Lee Terry	R	NE-2
Adrian Smith	R	NE-3
Scott Garrett	R	NJ-5
Steve Pearce	R	NM-2
Mark Amodei	R	NV-2
Joe Heck	R	NV-3
Michael Grimm	R	NY-11
Chris Gibson	R	NY-19
Peter King	R	NY-2
Bill Owens	D	NY-21
Richard Hanna	R	NY-22
Tom Reed	R	NY-23
Chris Collins	R	NY-27
Steve Chabot	R	OH-1
Michael Turner	R	OH-10
Patrick Tiberi	R	OH-12
David Joyce	R	OH-14
Steve Stivers	R	OH-15

Jim Renacci	R	OH-16
Brad Wenstrup	R	OH-2
Jim Jordan	R	OH-4
Robert Latta	R	OH-5
Bill Johnson	R	OH-6
Bob Gibbs	R	OH-7
Jim Bridenstine	R	OK-1
Markwayne Mullin	R	OK-2
Frank Lucas	R	OK-3
James Lankford	R	OK-5
Greg Walden	R	OR-2
Kurt Schrader	D	OR-5
Tom Marino	R	PA-10
Lou Barletta	R	PA-11
Keith Rothfus	R	PA-12
Charlie Dent	R	PA-15
Joe Pitts	R	PA-16
Tim Murphy	R	PA-18
Mike Kelly	R	PA-3
Scott Perry	R	PA-4
Glenn 'GT' Thompson	R	PA-5
Jim Gerlach	R	PA-6
Patrick Meehan	R	PA-7
Mike Fitzpatrick	R	PA-8
Bill Shuster	R	PA-9
Mark Sanford	R	SC-1
Joe Wilson	R	SC-2
Jeff Duncan	R	SC-3
Mick Mulvaney	R	SC-5
Tom Rice	R	SC-7
Kristi Noem	R	SD-AL
Phil Roe	R	TN-1
John J. Duncan, Jr.	R	TN-2
Chuck Fleishmann	R	TN-3
Scott DesJarlais	R	TN-4
Diane Black	R	TN-6
Marsha Blackburn	R	TN-7
Stephen Fincher	R	TN-8
Louie Gohmert	R	TX-1
Michael McCaul	R	TX-10
K. Michael Conaway	R	TX-11
Kay Granger	R	TX-12
Mac Thornberry	R	TX-13
Randy Weber	R	TX-14
Ruben Hinojosa	D	TX-15
Bill Flores	R	TX-17
Randy Neugebauer	R	TX-19

Ted Poe	R	TX-2
Lamar Smith	R	TX-21
Pete Olson	R	TX-22
Pete Gallego	D	TX-23
Kenny Marchant	R	TX-24
Roger Williams	R	TX-25
Michael Burgess	R	TX-26
Blake Farenthold	R	TX-27
Henry Cuellar	D	TX-28
Sam Johnson	R	TX-3
John Carter	R	TX-31
Pete Sessions	R	TX-32
Marc Veasey	D	TX-33
Filemon Vela	D	TX-34
Steve Stockman	R	TX-36
Ralph Hall	R	TX-4
Jeb Hensarling	R	TX-5
Joe Barton	R	TX-6
John Culberson	R	TX-7
Kevin Brady	R	TX-8
Rob Bishop	R	UT-1
Chris Stewart	R	UT-2
Jason Chaffetz	R	UT-3
Jim Matheson	D	UT-4
Robert Wittman	R	VA-1
Frank Wolf	R	VA-10
Scott Rigell	R	VA-2
J. Randy Forbes	R	VA-4
Robert Hurt	R	VA-5
Bob Goodlatte	R	VA-6
Morgan Griffith	R	VA-9
Jaime Herrera Beutler	R	WA-3
Doc Hastings	R	WA-4
Cathy McMorris Rodgers	R	WA-5
Dave Reichert	R	WA-8
Paul Ryan	R	WI-3
Jim Sensenbrenner	R	WI-5
Tom Petri	R	WI-6
Sean Duffy	R	WI-7
Reid Ribble	R	WI-8
David McKinley	R	WV-1
Shelly Moore Capito	R	WV-2
Nick Rahall	D	WV-3
Cynthia Lummis	R	WY-AL